



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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82-53

Petition of Robert F. & Mary E. Perani

The Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8 p.m. on Thursday, December 16, 1982, on the petition of ROBERT F. AND MARY E. PERANI, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a chimney 1.6' by 1.4' to their dwelling at 7 MAC ARTHUR ROAD, leaving less than the required right side yard. Said request is made pursuant to Section XXIV-D of the Zoning Bylaw.

On November 24, 1982, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Robert F. and Mary Perani. Mr. Perani stated that he has a playroom in the basement and wishes to install a metal fireplace with a tile flue extending through the cement basement wall and up the outside wall of the one-story dwelling. The existing dwelling is 20.05' from the right side line, and the proposed chimney would leave 18.4' on the right side yard.

In addition to the petitioners, no one was present favoring or opposing the petition.

Statement of Facts

The property involved is located at 7 MacArthur Road, containing 10,474 square feet of land, in a Single Residence District.

The existing dwelling comes to 20.05' from the right side lot line. The petitioner proposes to erect a chimney 1.4' by 1.6' which would extend to 18.4' from the right side line. The petitioner wishes to install a metal fireplace in the basement playroom with a tile flue which would go through the cement basement wall and extend up the outside wall of the dwelling.

A Plot Plan was submitted, drawn by Carmelo Frazetti, Registered Land Surveyor, dated October 27, 1982. Construction sketches were also submitted.

The Planning Board, at its regular meeting of December 7, 1982, voted to offer no comment on the petition.

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Decision

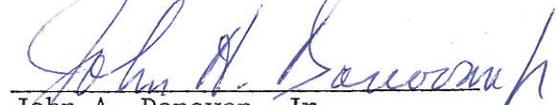
This Authority has made a careful study of the evidence presented.

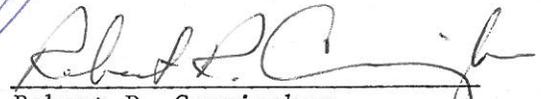
It is the opinion of this Authority that the proposed chimney represents a minimal encroachment on the right side yard at 7 MacArthur Road, said chimney being 1.4' by 1.6' in size.

It is the unanimous opinion of this Authority that a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief can be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted to construct a chimney 1.6' by 1.4', as shown on the Plot Plan drawn by Carmelo Frazetti, dated October 27, 1982, coming no closer than 18.4' from the right side line. The Inspector of Buildings is hereby authorized to issue a building permit for the construction upon his receipt and approval of a building application and construction plans.

  
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Stephen S. Porter, Chairman

  
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John A. Donovan, Jr.

  
\_\_\_\_\_  
Robert R. Cunningham

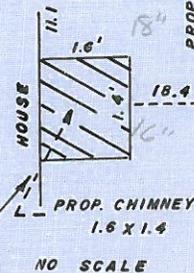
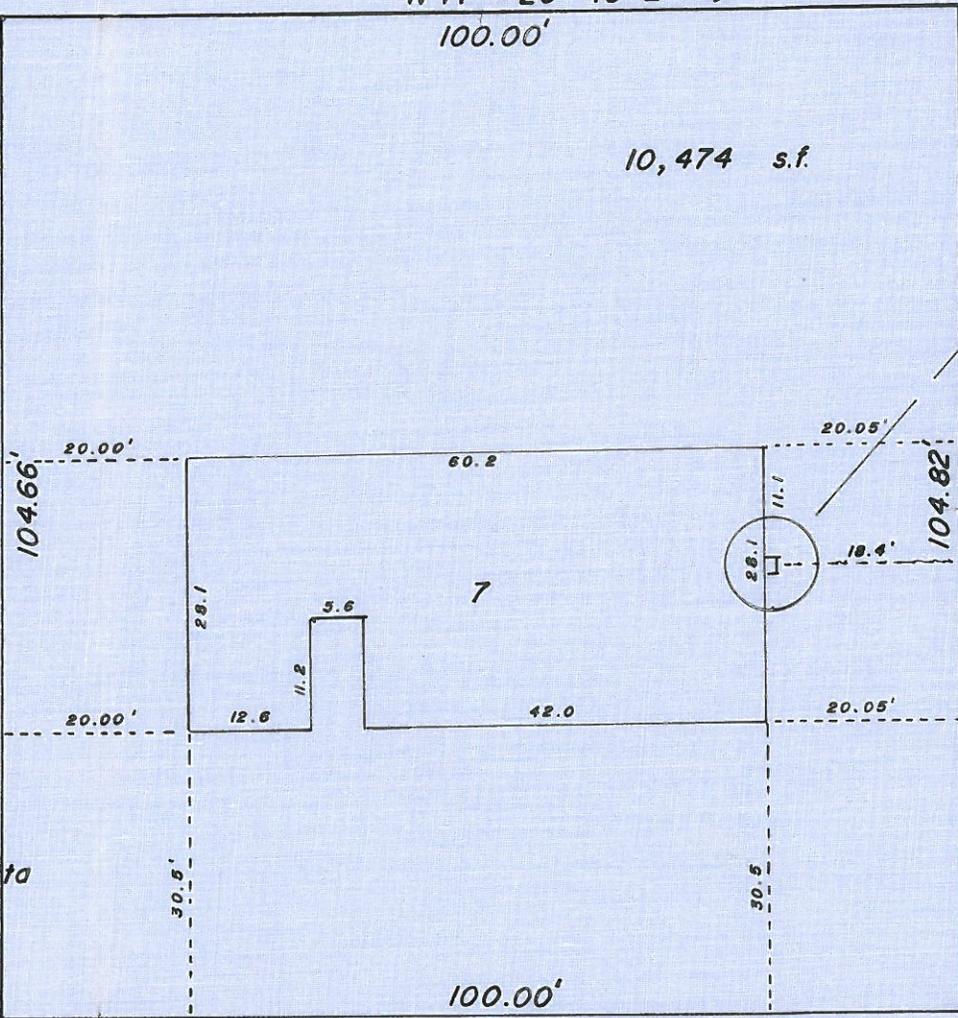
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264 WESTON ROAD  
 Robert E. & Helene M. Cunniff

N 71° - 20' - 10" E →  
 100.00'

10,474 s.f.

N 18° - 34' - 20" W →  
 104.66'



Thomas E. & Loretta  
 E. Hanrahan  
 No. 11

Earnest R. & Grace  
 M. Latessa  
 No. 3

N 71° - 25' - 40" E →

MAC ARTHUR ROAD

PLAN OF LAND  
 in  
 WELLESLEY, MASSACHUSETTS  
 at  
 No. 7 MAC ARTHUR ROAD

Owned by  
 Robert & Mary E. Perani  
 Oct. 27, 1982  
 Carmelo Frazetti



Proposed Chimney  
 Scale: 1" = 20'  
 Land Surveyor