



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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82-58

Petition of Joseph and Nancy Thomas

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 JOSEPH AND NANCY THOMAS, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a one-story addition 14' by 16' to the rear of their dwelling at 31 BOULEVARD ROAD, leaving less than the required left 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 was Joseph Thomas, who stated that the proposed addition in the rear would extend the existing lines of the dwelling. Although the existing dwelling is 17.8' at the closest point to the left side yard, the plot plan shows the addition coming to 17.1' from the left side line. Mr. Thomas stated that he would be willing to redesign the addition so that it would not come closer than the existing dwelling, or 17.8' from the left side yard.

Other than the petitioners, there was no one present favoring or opposing the petition.

Statement of Facts

The property involved is located at 31 Boulevard Road, containing 6,080 square feet of land, in a Single Residence District.

The existing dwelling was constructed in 1933, with a right side yard of approximately 14 feet and a left side yard of 17.8' at the rear corner of the dwelling. The dwelling conformed to the yard requirements at the time of construction.

The petitioners propose to construct a one-story addition for a family room, 14' by 16', to the rear of their dwelling, leaving a left side yard of 17.1' at the rear of the addition, but extending the lines of the existing dwelling. The petitioners have stated that they would be willing to consider moving the addition so that it would come no closer to the side line than the existing structure, or 17.8'.

A Plot Plan was submitted, drawn by John J. Regan, Registered Land Surveyor, of Apex Associates, Newton Highlands, dated November 15, 1982. Construction drawings were

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also submitted, drawn by John Elander, 29 Galen Street, Waltham.

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

Decision

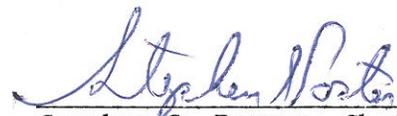
This Authority has made a careful study of the evidence presented. The particular house in question does not conform to the present Zoning Bylaws. The dwelling comes to 17.8' from the left side lot line and approximately 14 feet from the right side line.

It is the unanimous decision of this Authority that because of the shape of the lot, 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 may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

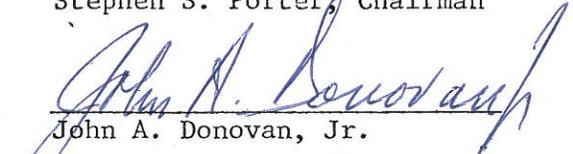
It is the opinion of this Authority that the proposed one-story addition generally conforms to the existing lines of the house and does not alter the relationship of the house to the left side lot line.

However, this Authority is of the opinion that the proposed addition must not extend any closer to the left side line than the existing dwelling, or 17.8'.

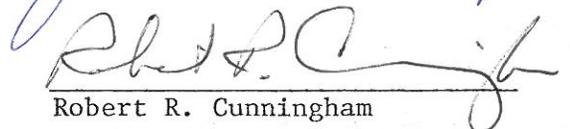
Therefore, a variance is granted to construct an addition 14' x 16' to the dwelling at 31 Boulevard Road, coming no closer than 17.8' from the left side line. A revised Plot Plan must be submitted to the Zoning Board of Appeals. The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.



Stephen S. Porter, Chairman



John A. Donovan, Jr.



Robert R. Cunningham

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