

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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83-13

Petition of Barbara D. and Charles N. Oakes

Pursuant to due notice, The Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8 p.m. on April 14, 1983, on the petition of Barbara D. and Charles N. Oakes, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of an addition 4 feet by 12 feet to their dwelling at 31 CLEVELAND ROAD at the corner of ALHAMBRA ROAD, leaving less than the required setback from Alhambra Road. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On March 28, 1983, 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 was Charles Oakes, who stated that his house was built in 1935 on the corner of Cleveland Road and Alhambra Road. He now wishes to construct an addition which would leave a 21.7 foot setback from Alhambra Road.

Present at the hearing and speaking in favor of the petition was Jeanne Dickie, 25 Cleveland Road.

No one was present in opposition to the request.

Statement of Facts

The property involved is located at 31 Cleveland Road at the corner of Alhambra Road, containing 6,800 square feet of land, in a Single Residence District.

The existing dwelling, constructed in 1935, is a legal non-conforming dwelling, with a setback of 25.7 feet from Alhambra Road. The petitioner proposes to add on to an existing 8 foot by 12 foot porch, creating a 12 foot by 12 foot family room, leaving a setback from Alhambra Road of 21.7 feet at the closest point. The present Zoning Bylaw requires a setback of 30 feet from the street.

A Plot Plan was submitted, drawn by Carmelo Frazetti, Registered Land Surveyor, dated March 1, 1983. Construction drawings, showing the proposed addition, were also submitted.

The Planning Board, in a letter dated April 6, 1983, recommended that the request be denied.

A letter, dated April 13, 1983, was received by the Board of Appeals from Jeanne E. and Robert L. Dickie, 25 Cleveland Road, expressing support for the variance request.

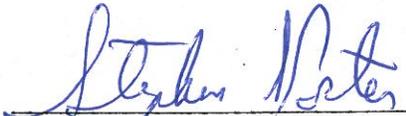
Decision

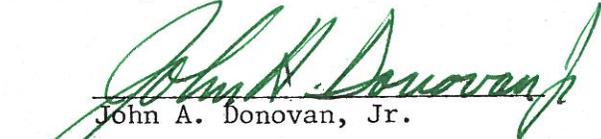
This Authority has made a careful study of the evidence submitted. The particular house in question in its location on the lot does not conform to the present Zoning Bylaws. The dwelling has a setback of 25.7 feet from Alhambra Road.

It is the opinion of this Authority that the proposed addition represents a minimal encroachment to the street line. The shape of the lot would cause an addition to any part of the dwelling to encroach on the lot lines.

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.

Therefore, the requested variance is granted to construct an addition 4 feet by 12 feet as shown on the Plot Plan drawn by Carmelo Frazetti, dated March 1, 1983, leaving a setback of no less than 21.7 feet from Alhambra Road. 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 drawings.


Stephen S. Porter, Chairman

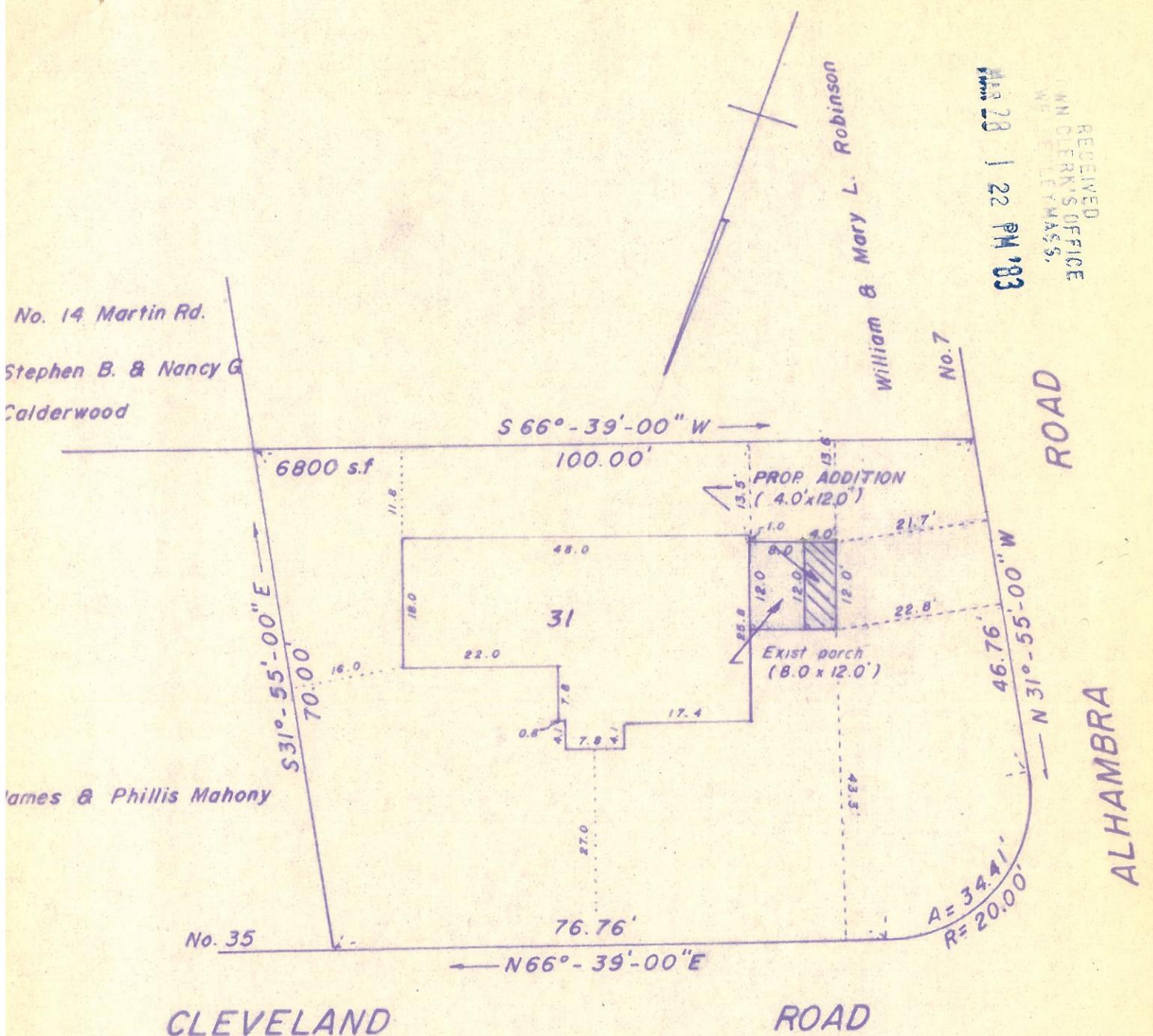

John A. Donovan, Jr.


Robert R. Cunningham

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PLAN OF LAND
in
WELLESLEY, MASSACHUSETTS
at
No. 31 CLEVELAND ROAD

Owned by
Charles & Barbara D. Oakes
MARCH 1, 1983
Carmelo Frazetti



Proposed Addition
Scale: 1" = 20'
Land Surveyor