



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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83-5

Petition of Kenton and Susan Sicchitano

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor of the Town Hall at 8 p.m. on Thursday, February 17, 1983 on the petition of Kenton and Susan Sicchitano, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a two-story addition 11'9" by 13'2" to their dwelling at 24 Windsor Road, leaving less than the required right side yard. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On January 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 request at the hearing was Alain Munkittrick, owner of Munkittrick Associates, architect for the petitioner. Mr. and Mrs. Sicchitano were also present at the hearing. Mr. Munkittrick stated that the two-story addition would be at the right rear of the house, to expand the kitchen and add a family room on the second floor and to extend the existing garage on the ground level. The petitioner's problem, according to Mr. Munkittrick, is that the sideline of the lot is not parallel with the sideline of the house. Maintaining the existing setback of the house of 15.4' would make the entrance to the garage too difficult except for subcompact cars and make the chimney too close to the house, and not be architecturally pleasing. Mr. Munkittrick stated that the existing house has a large roof overhang, but that the addition would have a flat roof and no roof overhang. He stated that the addition could not be located at the rear of the dwelling because it would block the entrance to the basement and cut off light from a room. The land falls off dramatically at the rear of the house. He presented photographs of the dwelling and letters of support from abutters on either side, Brian J. McGuinn, 20 Windsor Road, and Joan and Thomas Cody, 28 Windsor Road.

Thomas Cody, 28 Windsor Road was present at the hearing and spoke in favor of the request. No one was present opposing the petition.

Statement of Facts

The property involved is located at 24 Windsor Road, containing 16,770 square feet of land, in a Single Residence District.

The existing dwelling is a legal non-conforming dwelling, with a right side yard of 15.4 feet. The originally proposed two-story addition would have been 11.9 feet by 13.2 feet, leaving a right side yard of 13 feet at the right rear corner of the addition, as drawn on a Plot Plan by John Hurney, Registered Land Surveyor, with Barnes

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Engineering Company, Inc., Auburndale, Ma., dated January, 1983. A revised Plot Plan was received by the Board of Appeals on February 15, 1983, showing the addition to be 11 feet by 13.2 feet, leaving a right sideyard of 13.7 feet at the right rear corner.

The right side lot line is not parallel with the lines of the existing dwelling. The proposed addition would not maintain the existing lines of the dwelling and would come closer to the lot line than the existing dwelling.

The first level of the addition would be an extension of the existing one-car garage. The second level of the addition would include an extension of the kitchen and a family room.

Construction drawings were submitted, drawn by Munkittrick Associates, Newton Corner.

The Planning Board, in a letter dated February 14, 1983, recommended that the proposed addition should extend no closer to the sideline than the existing house (15.4 feet).

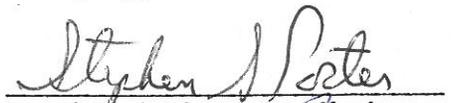
#### Decision

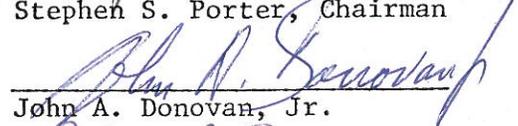
This Authority has made a careful study of the evidence presented. The particular house in question in its location on the lot does not conform to the present Zoning Bylaws. The front corner of the dwelling comes to 17 feet from the right side lot line and the rear corner of the existing dwelling is 15.4 feet from the lot line. The lines of the dwelling are not parallel to the right lot line.

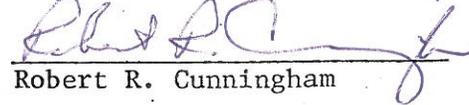
It is the opinion of this Authority that the proposed addition could conform to the present lines of the house and does not substantially alter the relationship of the house to the right side lot line.

It is the unanimous decision of this Authority that because of the shape of the lot, a literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, a variance is granted to construct an addition to the dwelling at 24 Windsor Road, as long as the existing foundation lines of the dwelling are maintained. Said addition must not extend more than 13.2' towards the rear of the property. The Building Inspector is hereby authorized to issue a permit for the construction upon his receipt and approval of a revised plot plan, a building application and construction plans.

  
Stephen S. Porter, Chairman

  
John A. Donovan, Jr.

  
Robert R. Cunningham

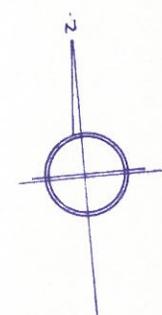
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THOMAS J. JR. & JOAN H. CODY

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**WINDSOR ROAD**

**PLOT PLAN  
OF LAND IN**

**WELLESLEY, MASS.**

OWNER:  
Kenton J. & Susan H. Sicchitano  
DEED REF:  
Book 6006, Page 647  
ZONE DISTRICT:  
Single Residence (20)

SCALE 1 IN. = 30 FT. JAN. , 1983  
BARNES ENGINEERING COMPANY, INC.  
411 LEXINGTON ST. AUBURNDALE, MASS.



I CERTIFY THAT THESE BUILDINGS ARE LOCATED AS SHOWN.

*John P. Hurney*