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ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

DEC 13 11 56 AM '83

STEPHEN S. PORTER, Chairman
JOHN A. DONOVAN, JR.
ROBERT R. CUNNINGHAM

MARY ANN McDOUGALL
Executive Secretary
Telephone
235-1664

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

83-64

Petition of Richard G. Flaherty

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Thursday, November 17, 1983, at 8 p.m. on the petition of RICHARD G. FLAHERTY requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the expansion of an existing porch at 7 MIDDLESEX STREET to create a glass enclosed porch 20.6' by 10.75', leaving less than the required right side yard. Said dwelling is a legal non-conforming structure. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On October 31, 1983, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by publication and mailing.

Presenting the case at the hearing was Richard Flaherty who stated that the dwelling was constructed in 1906 and has been owned by the Flaherty's for 19 years. He stated that the existing porch is 3.85 feet from the sideline and the family of seven needs more living space, so they wish to create a glass enclosed porch not extending any more than the existing landing. His hardship is that the existing dwelling was built so close to the lot line. He presented letters of support from Mr. and Mrs. William Schirmer, 5 Middlesex Street, Barbara B. Lawrence, 8 Middlesex Street, and John Stanbury, Jr., 6 Middlesex Street.

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

Statement of Facts

The property in question is located at 7 Middlesex Street, at the corner of Solon Street, containing 6,834 square feet of land, in a Single Residence District.

The dwelling is a legal non-conforming structure, constructed in 1906, with a porch coming to 7.6' from the right side line and a landing and steps 3.85' from the right side line.

The petitioner wishes to expand the existing porch to create a glass-enclosed porch 20.6' by 10.75', not encroaching on the lot line any further than the existing porch landing and steps.

A Plot Plan was submitted, drawn by Daniel Joseph Morrisey, Registered Land Surveyor,

of Yunits Engineering Co., Inc., Holbrook, dated 10/24/83. A construction sketch was also submitted, as were photos and a plan of Middlesex Street.

The Planning Board, in a letter of November 16, 1983, informed the Board of Appeals that they had voted to recommend that the petition be denied.

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.

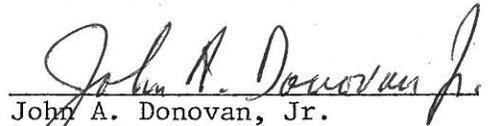
It is the opinion of this Authority that the proposed one-story porch does not extend beyond the existing porch landing and therefore does not substantially alter the relationship of the house to the right side line.

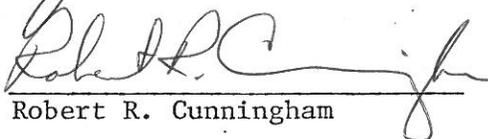
It is the unanimous decision of this Authority that because of the shape of the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without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

Therefore, the requested variance is granted to construct a glass enclosed porch 20.6' by 10.75' as shown in the Plot Plan drawn by Daniel J. Morrissey, Registered Land Surveyor, of Yunits Engineering Co., Inc., dated 10/24/83, coming no closer than 3.85' from the right side line.

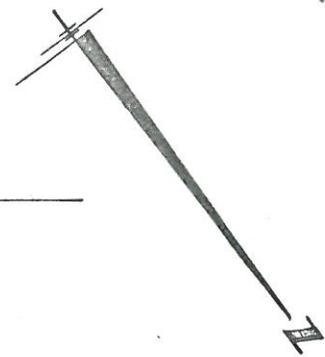
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.


Stephen S. Porter, Chairman

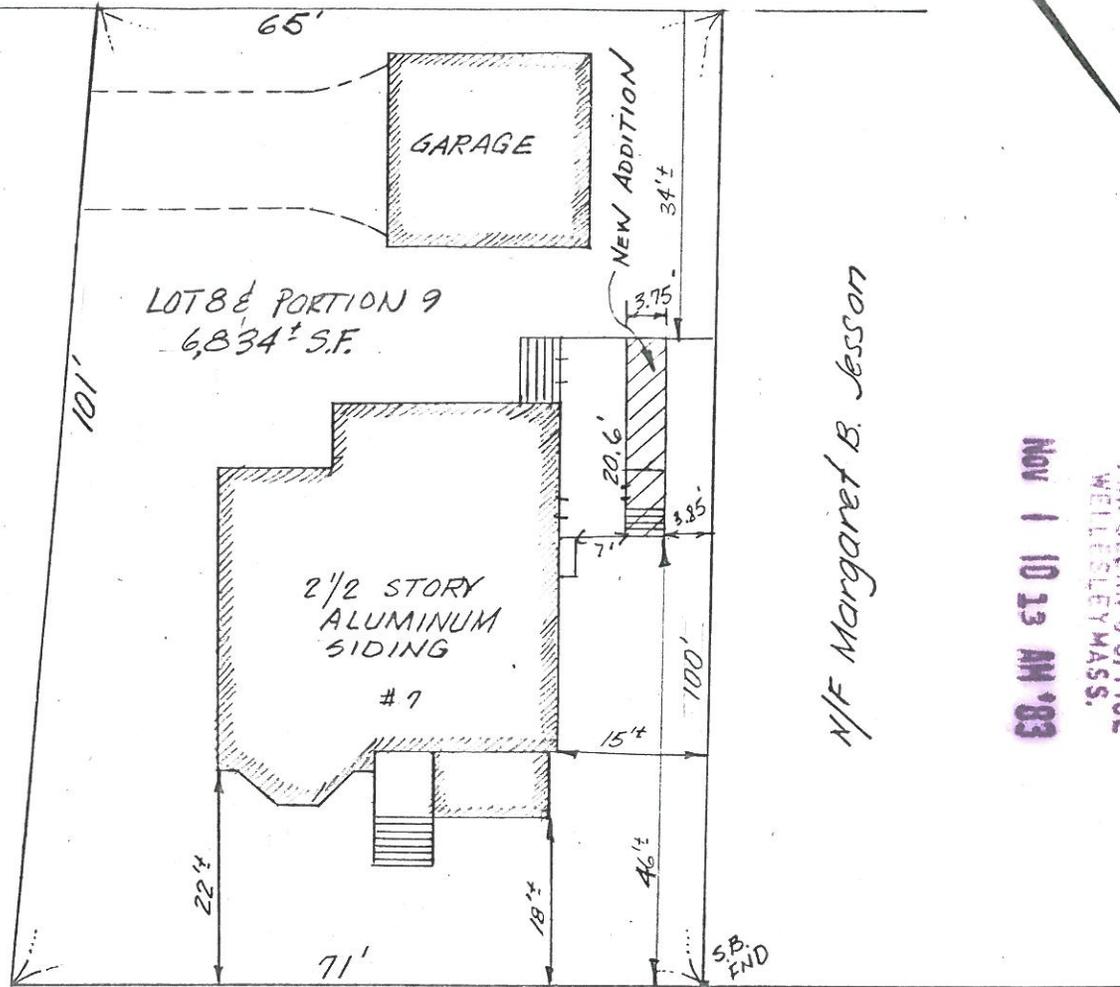

John A. Donovan, Jr.


Robert R. Cunningham

N/F Dana & Goddard



SOLON STREET



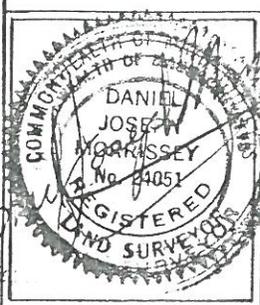
N/F Margaret B. Jesson

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MIDDLESEX STREET

PLAN OF LAND
MIDDLESEX STREET, WELLESLEY
NORFOLK COUNTY, MASS.

- PLOT PLAN -



SCALE	1" = 20'	DATE	10-24-83	JOB NO.	9283
PLOTTED		DRAWN	G.K.H.		
YUNITS' ENGINEERING CO., INC. CONSULTING ENGINEERS 11 TECHNICAL PARK DRIVE HOLBROOK, MASS. 02343.					DWG NO. /