


 RECEIVED
 TOWN OFFICE
 WELLESLEY MASS.

 ZONING BOARD OF APPEALS
 TOWN HALL WELLESLEY, MA 02184

MAR 12 1 47 PM '85

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

 MARY ANN McDOUGALL
 Executive Secretary
 Telephone
~~235-1000~~ 431-1019

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

85-2

Petition of Martha F. Cunningham
243 Weston Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, February 21, 1985 at 8 p.m. in Room 17 of the Town Offices at the Phillips Building, 12 Seaward Road, Wellesley Hills, on the petition of MARTHA F. CUNNINGHAM requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow a single story addition approximately 25 feet by 28 feet at the rear of the dwelling at 243 WESTON ROAD leaving less than the required right side yard. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On February 1, 1985 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 Martha Cunningham, who presented pictures and a letter of support from Mary and James Macdaid, 241 Weston Road, abutters on the side of the addition. Mrs. Cunningham stated that the addition will come no closer to the side line than the existing building.

No others were present opposing or favoring the petition.

Statement of Facts

The property in question is located at 243 Weston Road, containing 15,388 square feet of land, in a Single Residence District. The existing dwelling is a non-conforming structure, with a right side yard of 7.7 feet and the right rear corner of the dwelling is 16.1 feet from the right side line.

The petitioner proposes a one-story addition approximately 25 feet by 28 feet at the rear of the dwelling. The existing lines of the dwelling would be maintained and the addition would come to 16.1 feet from the right side line, no closer than the existing house. The addition would contain a family room and kitchen.

A Plot Plan was submitted, drawn by Carmelo Frazetti, Registered Land Surveyor, dated July 23, 1984. Construction drawings were submitted, drawn by Wellesley Design Architectural Service, 148 Linden Street, Wellesley, dated 12/19/84. Photos were also submitted.

Petition of Martha F. Cunningham
243 Weston Road

The Planning Board, at its regular meeting of February 12, 1985, voted to offer no comment on the petition based on the fact that there is no further encroachment into the sideyard.

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 dwelling has a right side yard of 7.7 feet in one area and 16.1 feet at the right rear corner.

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

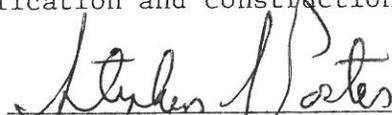
It is the opinion of this Authority that, because of the shape of the lot and the location of the dwelling on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable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

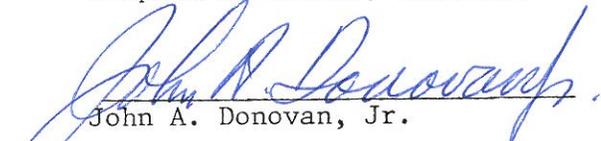
Therefore, the requested variance is granted to construct a one-story addition at 243 Weston Road approximately 25 feet by 28 feet as shown on a Plot Plan drawn by Carmelo Frazetti, Registered Land Surveyor, dated July 23, 1984, coming no closer than 16.1 feet from the right side line.

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.

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

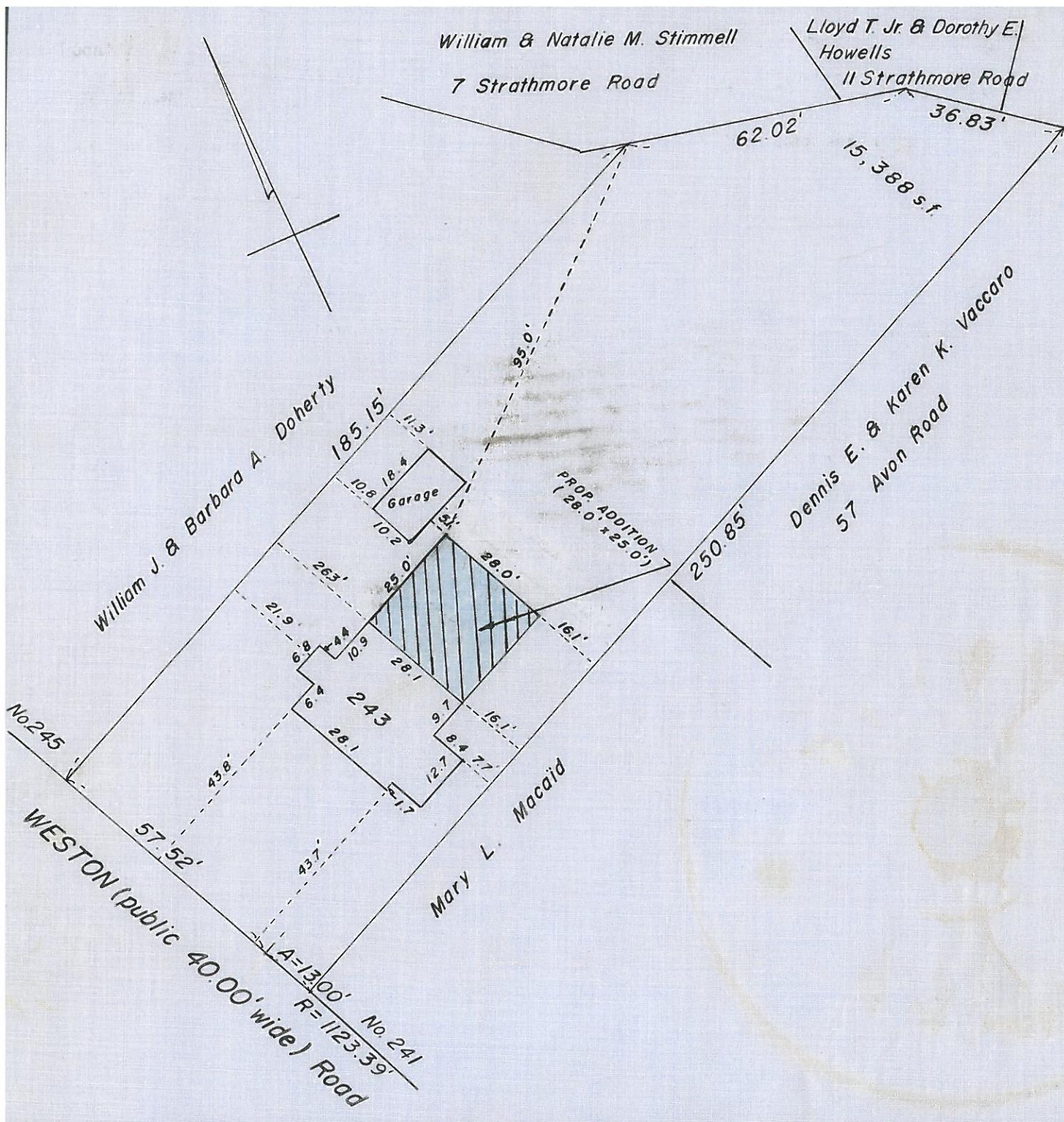
cc: Planning Board
mam


Stephen S. Porter, Chairman


John A. Donovan, Jr.

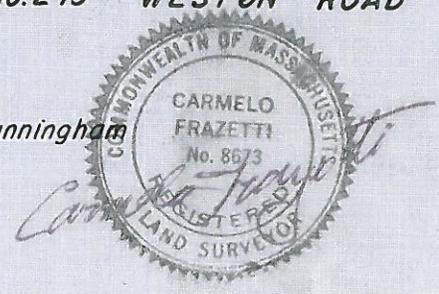

Robert R. Cunningham

RECEIVED
TOWN CLERK'S OFFICE
MAY 12 1 47 PM '85
MIDDLEBURY, MASS.



PLAN OF LAND
 in
WELLESLEY, MASSACHUSETTS
 at
No. 243 WESTON ROAD

Owned by
 Wayne A. & Martha F. Cunningham
 July 23, 1984
 Carmelo Frazetti



Proposed Addition
 Scale: 1" = 30'
 Land Surveyor