TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
JOHN A. DONOVAN, JR.
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85-4
Petition of James P. Conlin
10 Emerson 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 JAMES P. CONLIN requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a deck approximately 18'3" by 14' at the rear of his dwelling at 10 EMERSON ROAD leaving less than the required right side yard. The existing dwelling is a non-conforming structure. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On January 31, 1985 the petitioner requested 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 James Conlin, who stated that his application was self-explanatory. He stated that the deck would come no closer to the right side line than the existing house.

No others were present expressing favor or opposition to the request.

Statement of Facts

The property in question is located at 10 Emerson Road, containing 14,171 square feet of land, in a Single Residence District. The dwelling, which was built in 1931, is a non-conforming structure with a right side yard of 11 feet.

The petitioner proposes a deck approximately 18'3" by 14 feet at the rear of the dwelling, continuing the existing lines of the house, coming no closer than 11 feet to the right side line.

In 1976, Robert Hale, a former owner of the property, petitioned the Board of Appeals for a variance to construct a deck in the same general area (ZBA Case 76-33), leaving a right side yard of approximately 11.5 feet. The variance was granted but the deck was never constructed.

A Plot Plan was submitted, drawn by Everett M. Brooks Co., Newtonville, Ma. dated January 18, 1985. Construction sketches and photos were also submitted.

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 is its location on the lot does not conform to the present Zoning Bylaws. The dwelling comes to 11 feet from the right side lot line.

It is the opinion of this Authority that the proposed deck conforms to the present lines of the house and does not alter the relationship of the house to the right side line.

It is the opinion of this Authority that, because of the shape of the lot and the location of the house 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 deck at 10 Emerson Road, said deck to be approximately 18'3" by 14 feet as shown in the Plot Plan drawn by Everett M. Brooks Co., Newtonwille, dated January 18, 1985, coming no closer than 11 feet from the right side lot 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.

Stephen S. Porter, Chairman

John A. Donovan, Jr.

Robert R. Cunningham

cc: Planning Board
mam

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TOWN CLERK'S OFFICE
WELLESLEY, MASS.

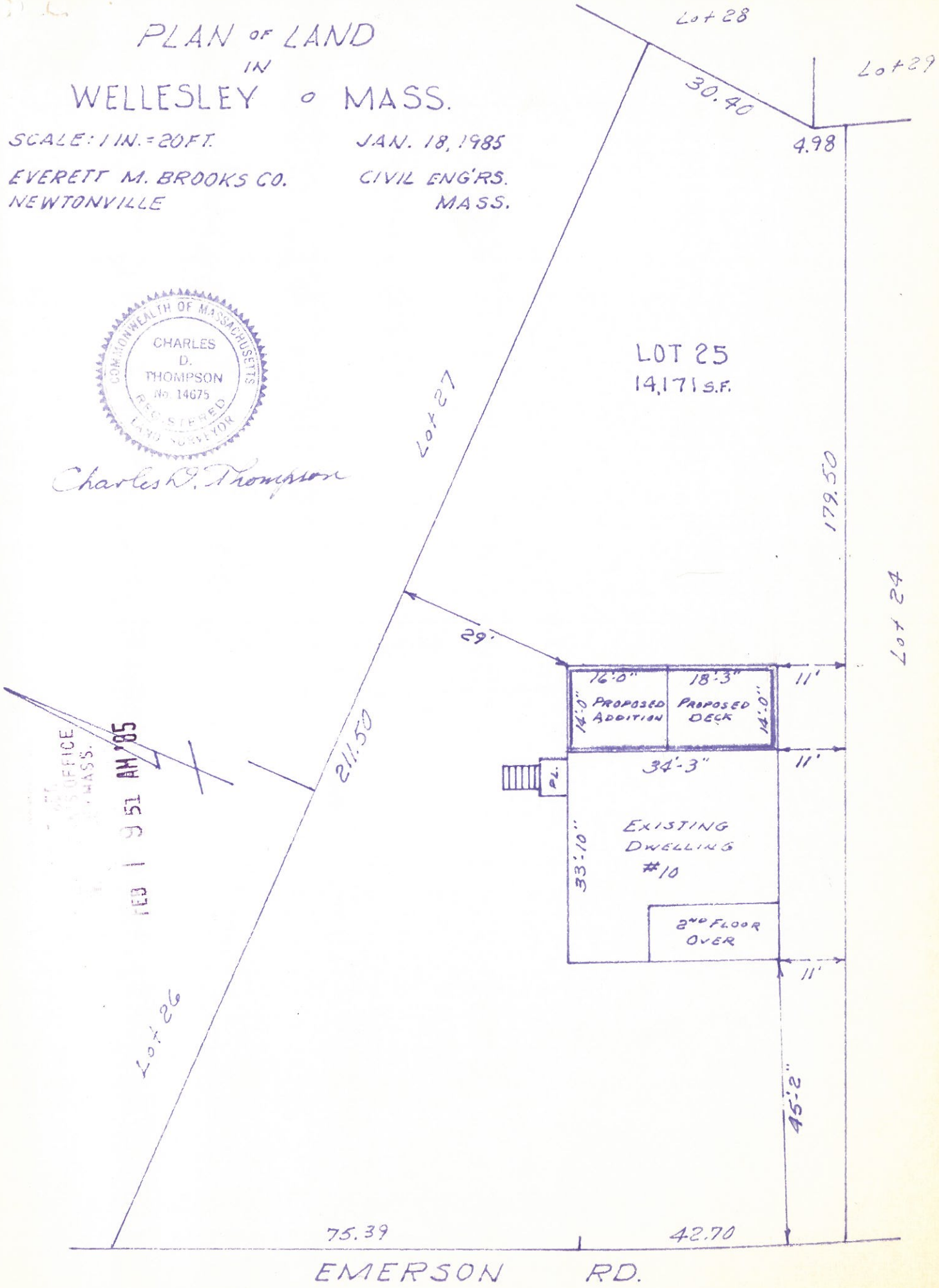
PLAN OF LAND
IN
WELLESLEY o MASS.

SCALE: 1 IN. = 20 FT. JAN. 18, 1985

EVERETT M. BROOKS CO. CIVIL ENG'RS.
NEWTONVILLE MASS.

COMMONWEALTH OF MASSACHUSETTS
CHARLES D. THOMPSON
No. 14675
REGISTERED LAND SURVEYOR

Charles D. Thompson



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