



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 87-25

Petition of James L. & Priscilla H. Worrall
32 Damien Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, March 26, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B), Town Hall, 525 Washington Street, on the petition of JAMES L. & PRISCILLA H. WORRALL requesting two variances from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw: 1) to bring the existing house at 32 DAMIEN ROAD into conformance with the Zoning Bylaws. Said property contains less than the required right (southerly) side yard; 2) to allow the construction of an addition at 32 DAMIEN ROAD, said addition to be approximately 8 feet 3 inches by 3 feet 2 inches at the rear of the attached garage on the northerly side of the dwelling, leaving a left (northerly) side yard of 12'1".

On March 5, 1987 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 Peter Hoffman, a friend of the Worralls who were out of town. Mr. Hoffman referred to a letter of March 16 in which the Worralls had explained their requests. Mr. Hoffman stated that in 1979 a permit had been obtained for an addition to the house. In 1985, when a new addition was made, the same engineer discovered an error in the 1979 plot plan. The addition of 1979 is 18'1" from the right lot line. They wish a variance to bring the house into conformance with the Zoning Bylaws. They now also plan an addition to the rear of the garage. It will come no closer to the lot line than the existing house. Mr. Hoffman presented photos to the ZBA.

No one was else was present speaking in favor of or in opposition to the request.

Statement of Facts

The property in question is located at 32 Damien Road, containing 16,500 square feet of land. A non-conforming dwelling constructed in the 1930's exists on the property with a left (northerly) side line of 12'1" and a right (southerly) side line of 18'1".

In 1979 an addition was constructed on the southerly side of the house. A building permit (#100) was obtained and the addition supposedly conformed to the 20 foot side yard requirements per Plot Plan by Charles D. Thompson, Everett M. Brooks Co. In 1985 another addition to the home was planned and Everett Brooks discovered that the previous surveys by his own firm had been incorrect and that the 1979

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addition is actually 18'1" from the right side lot line.

A variance is requested to bring the existing house into conformance with the Zoning Bylaws with a right (southerly) side yard of 18'1".

The petitioner is also requesting a variance to allow an addition approximately 8'3" by 3'2" at the rear of the garage leaving a left (northerly) side yard of 12'1". The addition would continue the existing lines of the garage and encroach no further than the garage into the side yard.

A Plot Plan was presented drawn by Richard B. Betts, Registered Land Surveyor, of Everett M. Brooks Co., dated January 12, 1987. Construction sketches were submitted as were photos. Copies of the Building Permit issued in 1979 and Plot Plan of 1979 by Everett Brooks were submitted.

Letters of support were received from Gene Hile, 38 Damien Road, an abutter, and Florence Monohan, 28 Damien Road, an abutter.

The Planning Board on March 17, 1987 voted to offer no objection "to either the variance to bring the existing house into conformance or the variance for the addition as it appears there is no further encroachment on the inadequate side yard."

Decision

This Authority has made a careful study of the evidence presented. The existing house in question in its location on the lot does not conform to the present Zoning Bylaws. The dwelling comes to 12'1" from the northerly (left) side line and 18'1" from the southerly (right) side line.

Regarding the southerly side yard, it is the opinion of this Authority that an error was made by the land surveyor in 1979. However, it is the opinion of this Authority that a literal enforcement of the provisions of the Zoning Bylaw would involve a substantial hardship to the petitioner at this time. Furthermore, the allowance of a variance would not be detrimental to the neighborhood nor be in derogation of the intent or purpose of the Zoning Bylaw.

Regarding the proposed addition at the rear of the garage, it is the opinion of this Authority that the addition conforms to the present lines of the house and does not alter the relationship of the house to the northerly (left) lot line.

Therefore, the requested variances are granted as shown on Plot Plan drawn by Richard B. Betts, Registered Land Surveyor of Everett M. Brooks Co., dated January 12, 1987 to: 1) bring the existing house at 32 Damien Road into conformance with the Zoning Bylaws with a right side yard of 18'1" and a left side yard of 12'1"; 2) to allow the construction of an addition approximately 8'3" by 3'2" at 32 Damien Road at the rear of the attached garage leaving a left (northerly) side yard of 12'1".

Petition of James L. & Priscilla H. Worrall
32 Damien Road

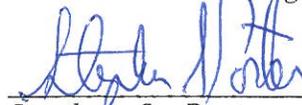
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

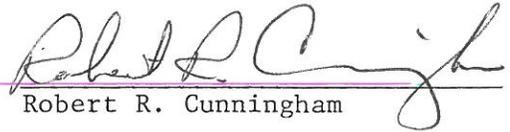
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Inspector of Buildings

mam



Stephen S. Porter, Chairman



Robert R. Cunningham



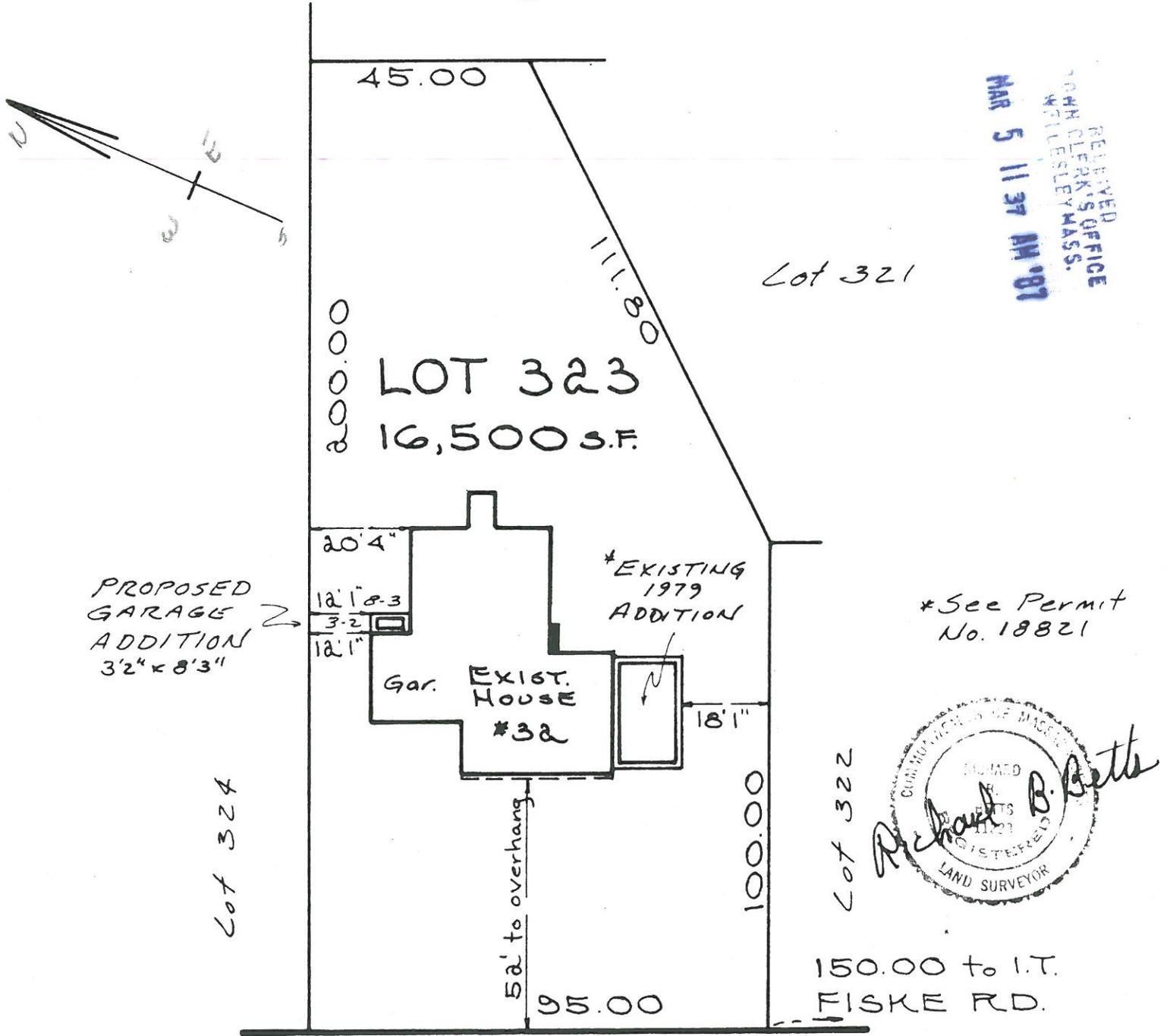
William E. Polletta

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PLAN OF LAND IN WELLESLEY - MASS.

TO ACCOMPANY THE PETITION OF
JAMES L. WORRALL
32 DAMIEN ROAD

SCALE: 1" = 30 FT JANUARY 12, 1987
EVERETT M. BROOKS CO. C.E.'S
NEWTONVILLE MASS.
Lot 320



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*See Permit
No. 18821



DAMIEN ROAD