



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
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WILLIAM E. POLLETTA
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ZBA 87-2

Petition of Ingo K. & Cindy I. Kozak
32 College Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 8, 1987 at 8 p.m. in the Great Hall of the Town Hall (Conference Room E) at 525 Washington Street, Wellesley on the petition of INGO K. & CINDY I. KOZAK requesting a variance from the terms of Section XIX and pursuant to Section XXV of the Zoning Bylaw to allow the construction of a screened porch approximately 12 feet by 12 feet at the rear of their dwelling at 32 COLLEGE ROAD leaving less than the required right (westerly) side yard.

On December 19, 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 were Mr. Kozak and his builder, Joseph Barclay. They presented construction plans for review. Other additions are being constructed at the present time to the house with a building permit. Mr. Kozak wants to continue the roof line and needs a screened porch off the living room. The house is not parallel to the lot line, and the porch would leave less than the required side yard.

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

Statement of Facts

The property in question is located at 32 College Road, containing 16,460 square feet of land. A non-conforming dwelling exists on the lot leaving a right (westerly) side yard of 18.91 feet at the rear corner.

The petitioner is in the process of constructing additions to the easterly side and rear of the dwelling per a building permit issued by the Building Department. He requests a variance to allow a screened porch approximately 12 feet by 12 feet at the westerly corner of the dwelling leaving a right side yard of 15.51 feet.

A Plot Plan was presented, drawn by Alexander Crucoli, Registered Land Surveyor, dated 11/12/86. Photos were also presented.

The Planning Board reviewed the plans on January 6, 1987 and voted to recommend that the addition come no closer to the sideline than the existing house.

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Petition of Ingo K. & Cindy I. Kozak
32 College Road

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 comes to 18.91 feet from the right side lot line.

It is the opinion of this Authority that the requested variance would represent a substantial encroachment into the side yard, so the variance is denied for a porch leaving a right side yard of 15.51 feet.

However, a variance is granted to construct a screened porch at the westerly corner of the dwelling at 32 College Road coming no closer than the existing house to the westerly lot line, or 18.91 feet. It is the opinion of this Board 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.

A new plot plan must be presented to this Board showing the location of the porch to be no closer than 18.91 feet from the lot line. The Building Inspector is then 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.

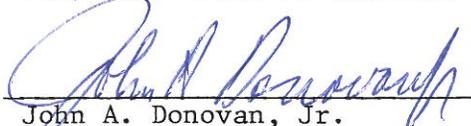
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Inspector of Buildings

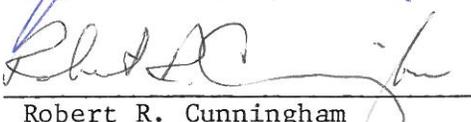
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Stephen S. Porter, Chairman



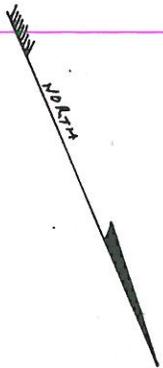
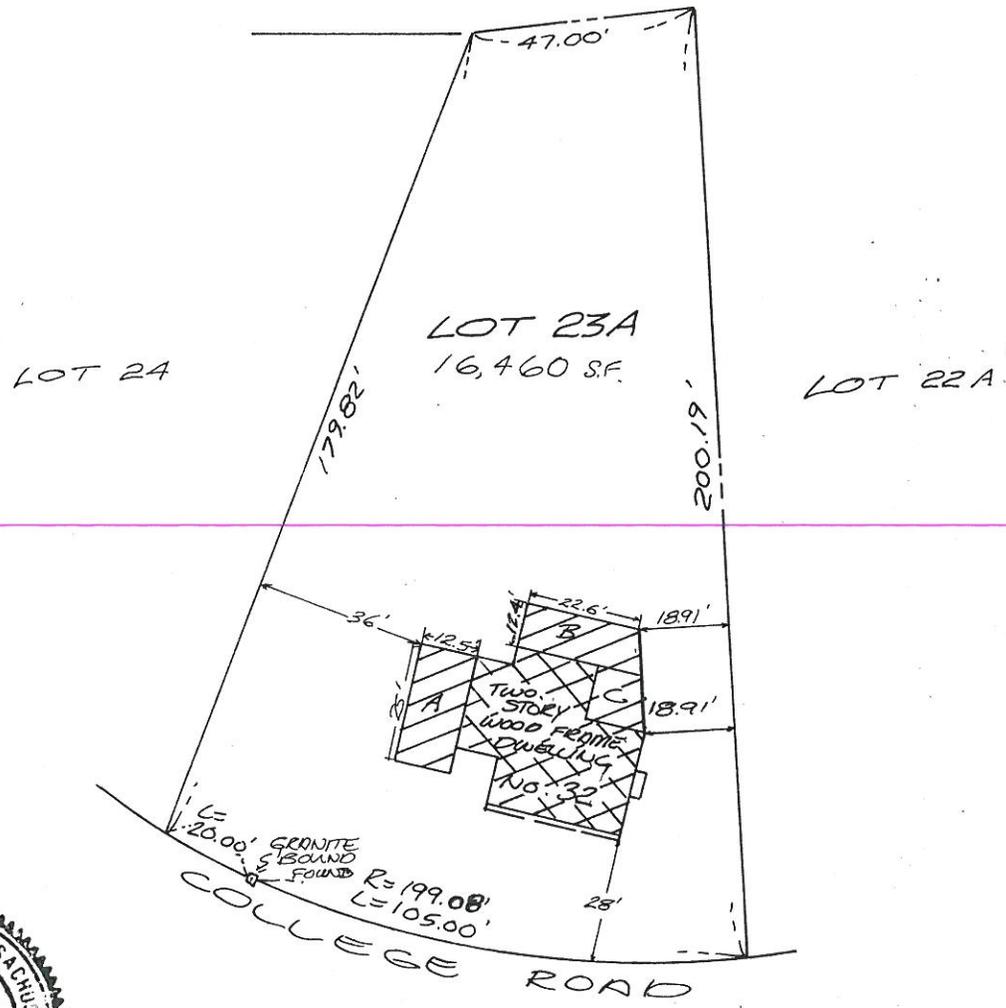
John A. Donovan, Jr.



Robert R. Cunningham

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INGO & CINDY I. KOZAK
 32 COLLEGE ROAD
 WELLESLEY, MA.



David E. Teachout

PLAN OF LAND
 IN
 WELLESLEY,
 MASSACHUSETTS

THIS IS AN INSTRUMENT SURVEY. PROPERTY LINES WERE ESTABLISHED FROM EXISTING BOUNDS.

I CERTIFY THAT THE BUILDING SHOWN ON THIS PLAN IS LOCATED ON THE GROUND AS SHOWN AND, DOES NOT CONFORM TO THE PRESENT ZONING BY-LAWS (INTENSITY REGULATIONS) SECTION _____ ARTICLE _____ SET NOTE #1

I CERTIFY THAT THE LOCUS DOES NOT LIE WITHIN THE FLOOD HAZARD ZONE

NOTE #1 DWELLING CONFORMED AT TIME OF CONSTRUCTION. VARIANCE GRANTED 2-2-87 FOR ADDITION.

DEED BOOK 7045
 PAGE 327
 PLAN 2665 pg 266
 PLAN BOOK _____

NOTE # 2 A- PROPOSED GARAGE
 B&C- PROPOSED GARAGE

SCALE 1" = 40' DATE 6-23-87

CROWELL ENGINEERING & SURVEY

22 W. MAIN ST. HOPKINTON, MA. 01748
 (617) 435-9028

ORDER # 131-PP-E