



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 87-32

Petition of Armand Schmitt
118 Prospect Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, April 30, 1987 at 8 p.m. in the Great Hall of the Town Hall at 525 Washington Street, Wellesley on the petition of ARMAND J. SCHMITT requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow a walkway approximately 3 feet by 33 feet connecting two decks at the rear of his non-conforming dwelling at 118 PROSPECT STREET leaving less than the required left (northerly) side yard.

On April 9, 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 Armand Schmitt, who stated that he submitted the wrong plot plan with the variance request of December, 1986. He needs the walkway to connect the two decks.

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

Statement of Facts

The property in question is located at 118 Prospect Street, containing 5,468 square feet of land. A non-conforming dwelling exists on the lot with a right (southerly) side yard of 6.74 feet.

A variance on the property was granted in 1949 (ZBA 49-16) to allow a dwelling and garage to be constructed on the lot leaving a left side yard of 10 feet and a right side yard of 5 feet. The house was constructed but the garage was never built.

Mr. Schmitt was granted a variance on February 2, 1987 to allow two decks, one at the rear and one on the left side of the house (see ZBA 87-1).

He now is requesting a variance to allow a walkway approximately 3 feet by 33 feet between the two decks. (Mr. Schmitt had expected to request this in ZBA 87-1 but the plot plan submitted at that time, Plan "A", did not include the walkway). The walkway would leave a left side yard of 10.04 feet.

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WELLESLEY MASS.

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118 Prospect Street

A Plot Plan was submitted, drawn by George N. Giunta, Registered Land Surveyor, Needham, Ma., dated October 16, 1986, known as Plot Plan "B".

The Planning Board on May 5, 1987 voted to offer no objection to the variance request.

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 6.74 feet from the right side lot line. The variance granted on February 2, 1987 allowed a left side yard of 10.04 feet.

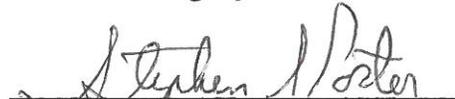
This Board is of the opinion that the proposed walkway will not alter the relationship of the dwelling to the left side lot line and that a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this 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 allow a walkway approximately 3 feet by 33 feet as shown in the Plot Plan "B" by George N. Giunta, Registered Land Surveyor, dated October 16, 1986, leaving a left side yard of 10.04 feet.

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.


Stephen S. Porter, Chairman

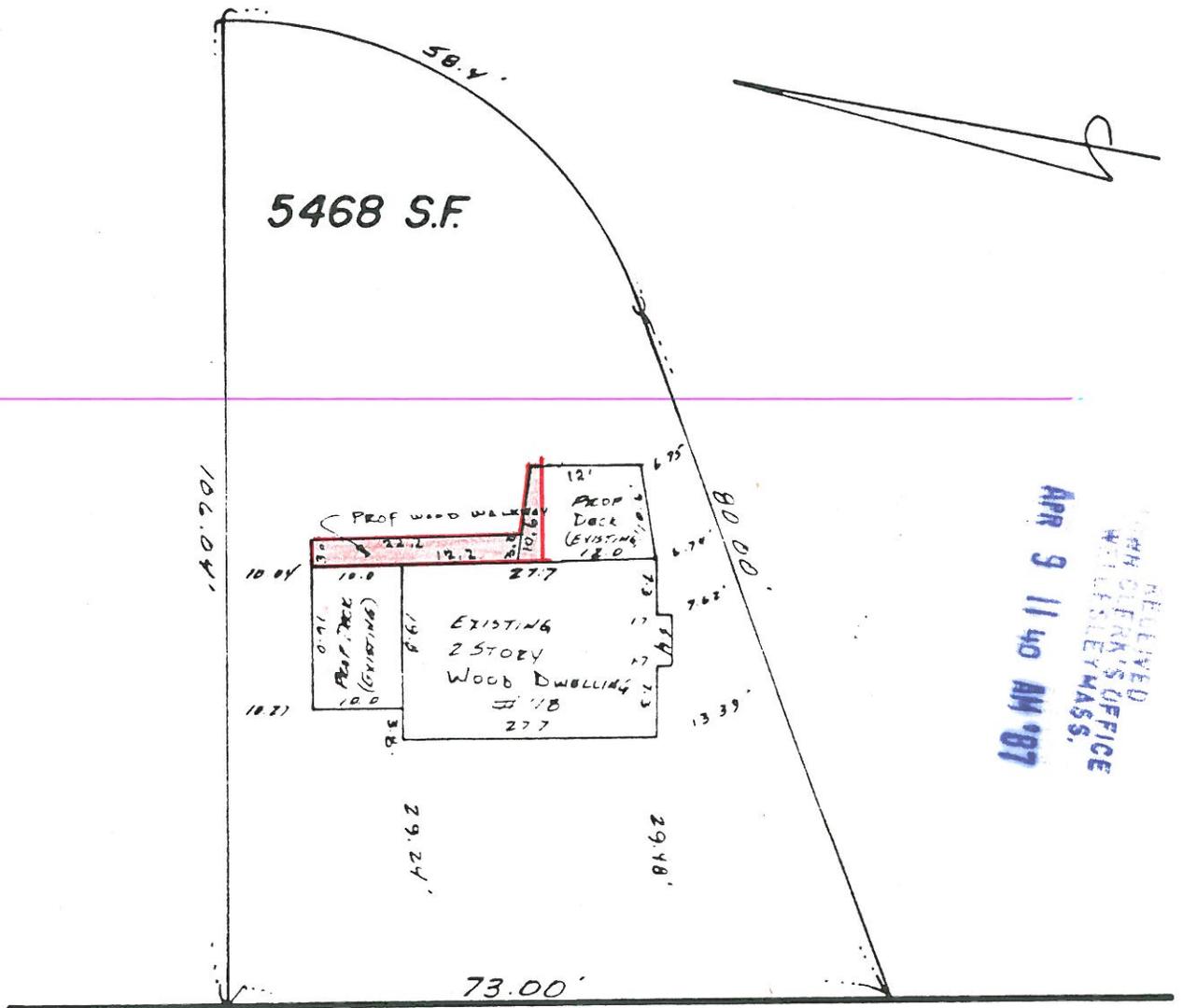

John A. Donovan, Jr.


Robert R. Cunningham

cc: Planning Board
Building Inspector

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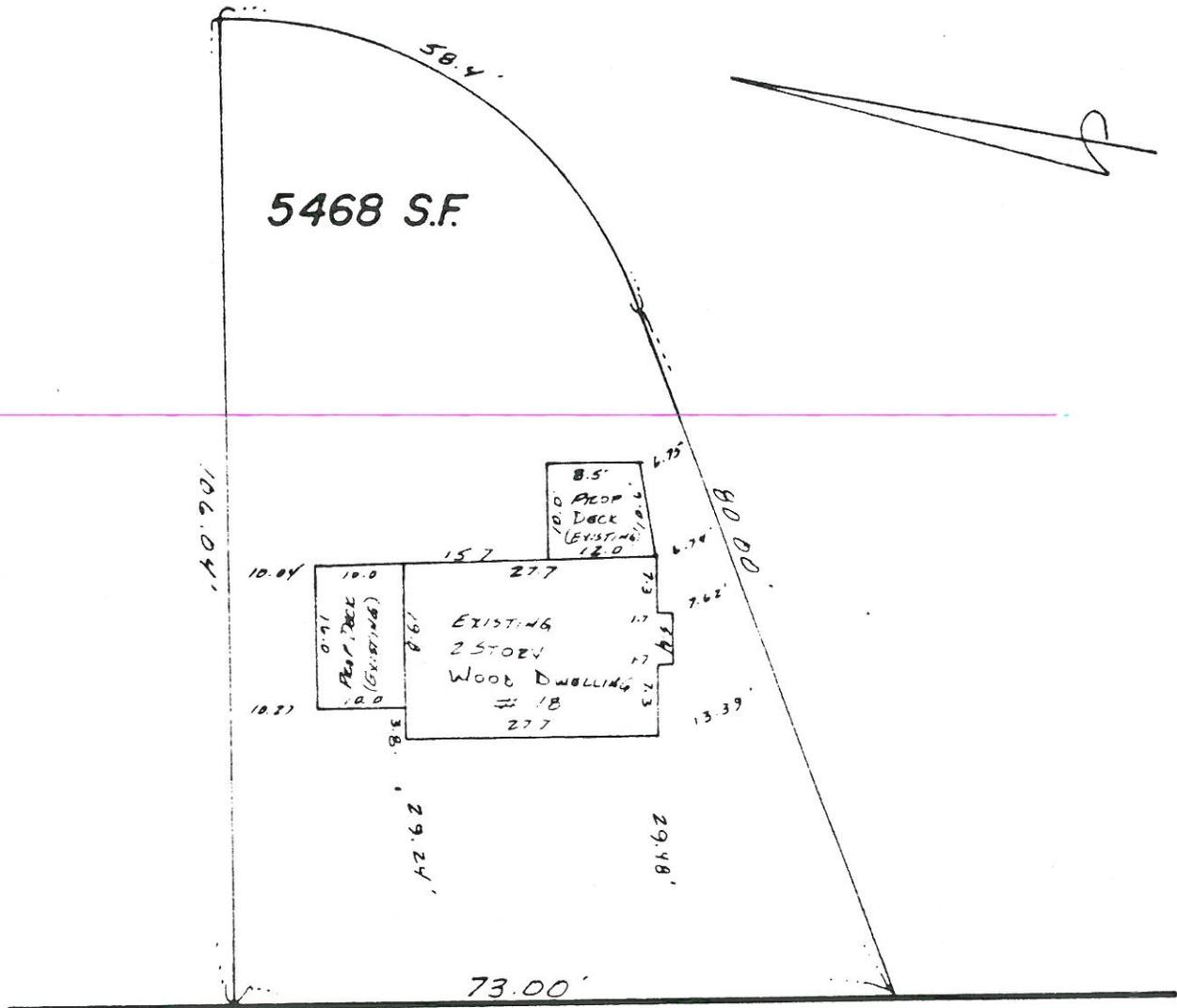
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PROSPECT STREET

PLOT PLAN OF LAND
 IN
 WELLESLEY—MASS.

OCT 16 1986 SCALE 1"=20'
 GEORGE N GIUNTA
 76 NEHOIDEN ST.
 NEEDHAM, MASS.





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