



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 87-33

Petition of Richard and Marcia Weaver
36 Linden 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 (Conference Room E) of the Town Hall at 525 Washington Street, Wellesley on the petition of RICHARD AND MARCIA WEAVER requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow the construction of a one-story addition to their non-conforming dwelling at 36 LINDEN STREET said addition to be approximately 15 feet by 22 feet leaving less than the required left (westerly) side yard. Said request is a revision of a variance granted October 16, 1986 (ZBA 86-56).

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 Marcia Weaver, who stated that an error was made when the foundation was poured and that the addition requested is still further than the existing house from the lot line.

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

Statement of Facts

The property in question is located at 36 Linden Street in a General Residence District, containing 6,000 square feet of land. A non-conforming dwelling exists on the property with a left (westerly) side yard of 10 feet and a right (easterly) side yard of 19.8 feet.

A variance was granted on October 16, 1986 to allow an addition approximately 24 feet by 14 feet at the rear of the dwelling, leaving a left side yard of 13.2 feet. The foundation was incorrectly poured without approval.

The petitioner is now requesting a revised variance to allow an addition approximately 15 feet by 22 feet, leaving a left side yard of 11.2 feet. The concrete foundation is presently in place.

A Plot Plan was submitted, drawn by James C. Vafiades, Registered Land Surveyor, of Waltham, Ma. , dated February 28, 1987.

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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 10 feet from the left side lot line.

This Authority finds that the requested variance is very similar to the variance granted last October, 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 left side lot 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.

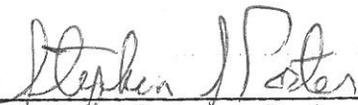
Therefore, the requested variance is granted to construct a one-story addition at 36 Linden Street, said addition approximately 15 feet by 22 feet, leaving a left side yard of 11.2 feet, as shown on the Plot Plan by James C. Vafiades, Registered Land Surveyor of Waltham, Ma., dated February 28, 1987.

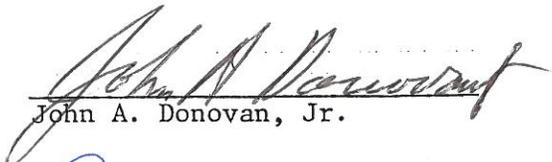
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

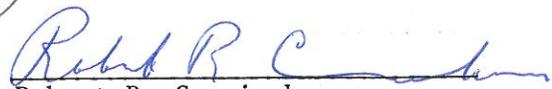
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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

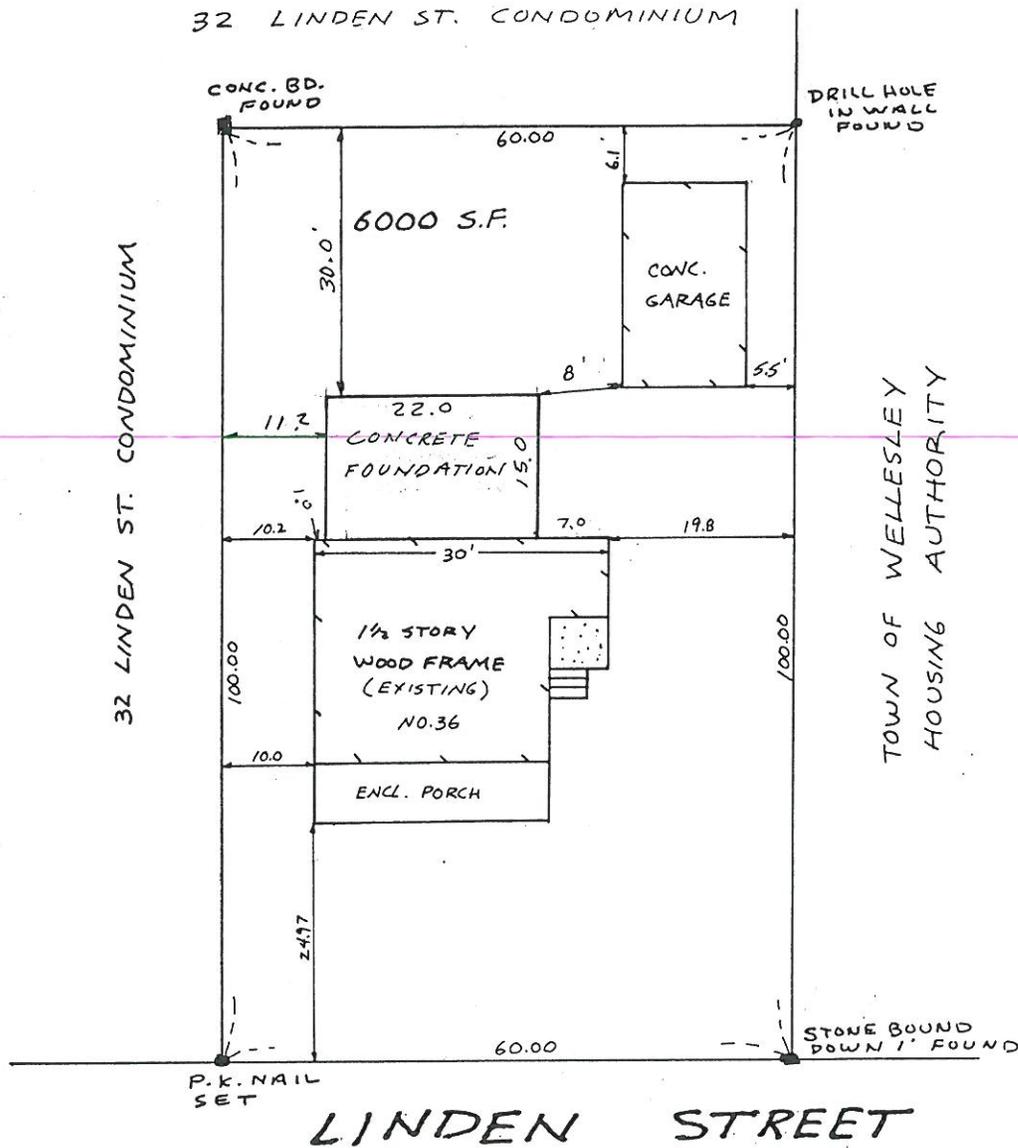

Stephen S. Porter, Chairman


John A. Donovan, Jr.


Robert R. Cunningham

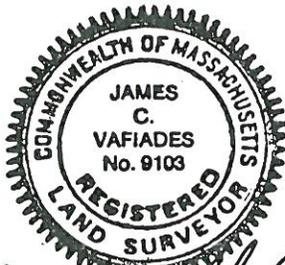
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Note: Concrete foundation not built according to original plan.



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James C. Vafiades

PLAN OF LAND IN WELLESLEY, MASS.

SCALE: 1" = 20' FEBRUARY 28 1987
JAMES C. VAFIADES - REG. LAND SURVEYOR
256 WORCESTER LANE, WALTHAM, MASS.