



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman  
JOHN A. DONOVAN, JR.  
ROBERT R. CUNNINGHAM

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431-1019

WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCK

ZBA 87-40

Petition of Charles & Nancy Procknow  
9 Shaw Road

Pursuant to due notice, the Special Permit Granting Authority and the Permit Granting Authority held a Public Hearing on Thursday, May 21, 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 CHARLES E. & NANCY B. PROCKNOW requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow an existing deck approximately 20 feet by 20.8 feet at the rear of their non-conforming dwelling at 9 SHAW ROAD leaving less than the required left side yard.

On May 4, 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 Mr. Procknow, who stated that the deck was built last fall. The Procknows didn't know that a building permit or variance would be needed for a deck.

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

Statement of Facts

The property in question is located at 9 Shaw Road, containing 10,781 square feet of land. A non-conforming dwelling exists on the lot with a left (northerly) side yard of 10.6 feet and a right (southerly) side yard of 14.1 feet.

The petitioners constructed the deck, approximately 20 feet by 20.8 feet, at the rear of their house without a building permit. The deck leaves a left side yard of 15.6 feet.

A Plot Plan was submitted, drawn by Joseph Bodio, Reg. Land Surveyor, Barnes Eng., dated April 15, 1987. Photos were also presented.

The Planning Board on May 19, 1987 voted to oppose the variance "on the basis that it encroaches further on the side yard. It is the opinion of the Board that there are options available to build a conforming deck."

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MASS.

Petition of Charles & Nancy Procknow  
9 Shaw Road

Decision

This Authority has made a careful study of the evidence presented. This Board frowns upon construction attempted without a building permit in violation of the Zoning Bylaws. However, due to the fact that the existing house is a non-conforming structure and that the deck does not come as close to the side line as the existing house, it is the opinion of this Authority 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.

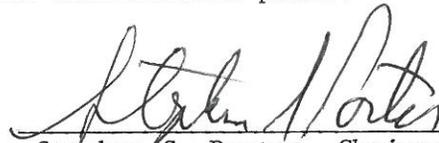
Therefore, the requested variance is granted to allow the deck at 9 Shaw Road as shown on the Plot Plan by Joseph Bodio, Registered Land Surveyor, of Barnes Engineering Co., dated April 15, 1987, coming no closer than 15.6 feet from the left side line.

The Inspector of Buildings is hereby authorized to issue a permit for the deck 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.

cc: Planning Board  
Inspector of Buildings

mam

  
Stephen S. Porter, Chairman

  
Robert R. Cunningham

  
William E. Polletta

JUN 18 9 43 AM '87  
RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MASS.

**INSTRUCTIONS**

**To Builder:**

1. Forms must be surveyed before pouring concrete  
or
2. If Blocks are used, survey must be made after first course is in place.
3. Do not pour foundation walls or continue laying blocks until this form has been filed in the Building Department and Building Permit Card is stamped by the Building Inspector.

**To Engineer:**

1. Survey Record must be made in duplicate. Carbon copy acceptable.
2. Indicate Board of Appeal Variance, if any.
3. Locate cesspool, if any, on Survey Record, giving permit number.
4. Name all abutting property owners.
5. Locate all existing and proposed buildings on property and give distances from lot lines and other buildings, at the nearest point.
6. Show all extensions outside main foundation, including porches. Indicate by broken line or some other manner as future.

Remarks:

THIS SURVEY RECORD MUST BE MADE AND SIGNED BY A REGISTERED ENGINEER OR LAND SURVEYOR



**SURVEY RECORD**

Permit No. \_\_\_\_\_

Street: SHAW ROAD No. 9

Builder: \_\_\_\_\_

Address: \_\_\_\_\_

Owner: CHARLES E. PROCKNOW  
NANCY B. S.

Address: 9 SHAW ROAD

Building dimensions: DECK 20.8' x 20.0

Distances:  
Adjoining Bldgs. \_\_\_\_\_

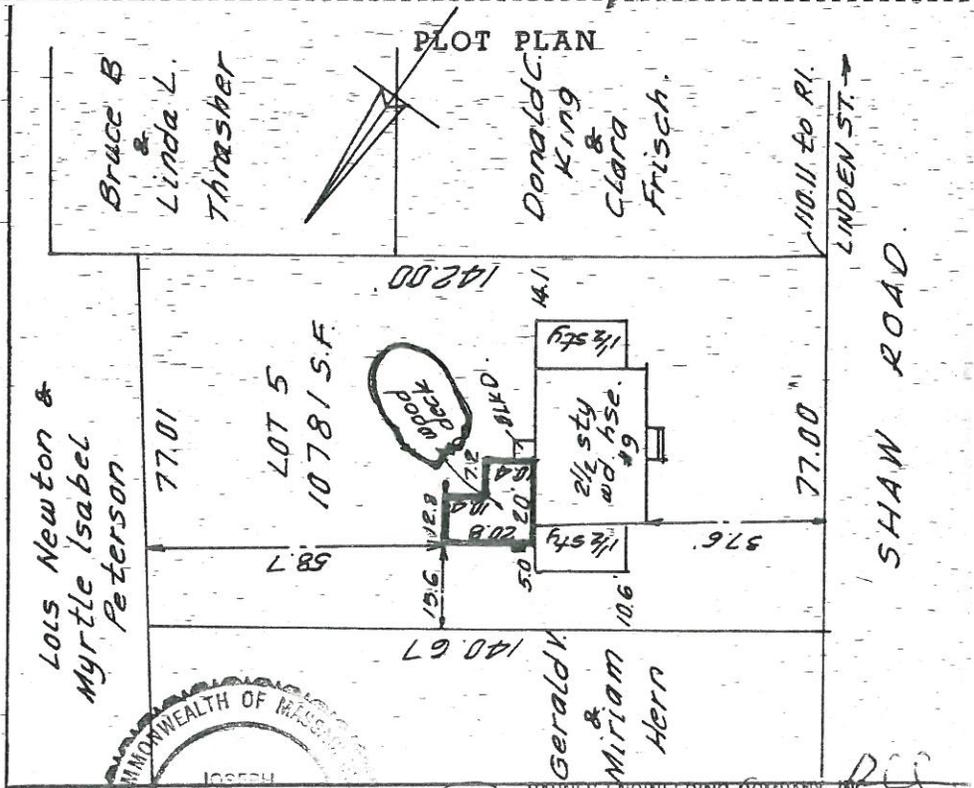
Center of street: 80'

Front Yard: \_\_\_\_\_ Rear Yard: 58.7

LEFT Side Yard: 15.6' RT Side Yard: 42'

Area of Lot: 10781 #

**PLOT PLAN**



BARNES ENGINEERING COMPANY, INC.  
CIVIL ENGINEERS  
411 LEXINGTON STREET  
AUBURNDALE, MASS. 02109

Stamped & Signed By: [Signature]  
Registered Engineer or Surveyor

Date: April 15 1987 Address: \_\_\_\_\_

COMPLETE INSTRUCTIONS ON REVERSE SIDE OF DUPLICATE COPY

RECEIVED  
CLERK'S OFFICE  
MAY 11 1987

APR 15 1987