



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 87-92
Petition of William and Joan Gaughan
12 Laurel Terrace

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, November 19, 1987 in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of WILLIAM AND JOAN GAUGHAN, requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow construction of a single story addition of approximately 10 feet by 12 feet to the kitchen and a full basement with a basement hatchway approximately 6 feet by 7 feet at the rear of their non-conforming dwelling at 12 LAUREL TERRACE, in a Single Residence District, leaving less than the required left side yard.

On November 2, 1987, the petitioners 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 William Gaughan who was accompanied by his wife, Joan. Mr. Gaughan stated that the addition was a straight line from the existing house, and that the encroachment of 6 inches was due to the slope of the left side lot line toward the house. Mr. Gaughan presented a letter from Mr. and Mrs. Robert Adams, 10 Laurel Terrace, the left side abutters, expressing favor.

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

Statement of Facts

The non-conforming dwelling is located at 12 Laurel Terrace in a Single Residence District on a 5,930 square foot lot with a right side yard of 9.4 feet and a left side yard of 16.2 feet

The petitioners request a variance to construct an addition as stated above.

A plot plan dated September 15, 1987, drawn by Francis J. Healy, Registered Land Surveyor and construction and elevation plans drawn by William P. Gaughan, dated June, 1987, along with photographs of the property, were submitted.

The Planning Board, in a letter dated November 12, 1987, voted to opposed the granting of the variance as it appeared the proposed construction would make the house too large in relation to the lot size and the addition would be a substantial encroachment on the side lot line.

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Decision

This Authority has made a careful study of the evidence present. The subject house does not conform to the present Zoning Bylaws as noted in the foregoing Statement of Facts.

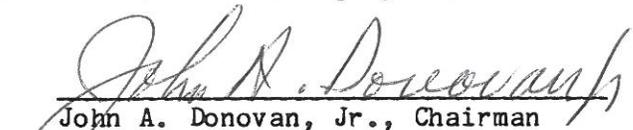
It is the opinion of this Authority that the proposed encroachment of the proposed addition of six inches can be allowed and that due to the size of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial 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.

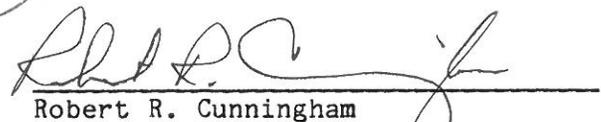
Therefore, the requested variance is granted to construct a single story addition at 12 Laurel Terrace, said addition approximately 10 feet by 12 feet to the kitchen and a full basement with a basement hatchway approximately 7 feet by 6 feet coming no closer to the left side line than 15.8 feet as shown in the Plot Plan by Francis J. Healy, Registered Land Surveyor, dated September 15, 1987.

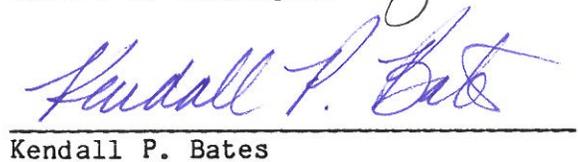
The Inspector of Buildings is hereby authorized to issue a permit for construction upon his receipt and approval of a building application and construction plans.

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.


John A. Donovan, Jr., Chairman


Robert R. Cunningham


Kendall P. Bates

cc: Planning Board
Inspector of Buildings

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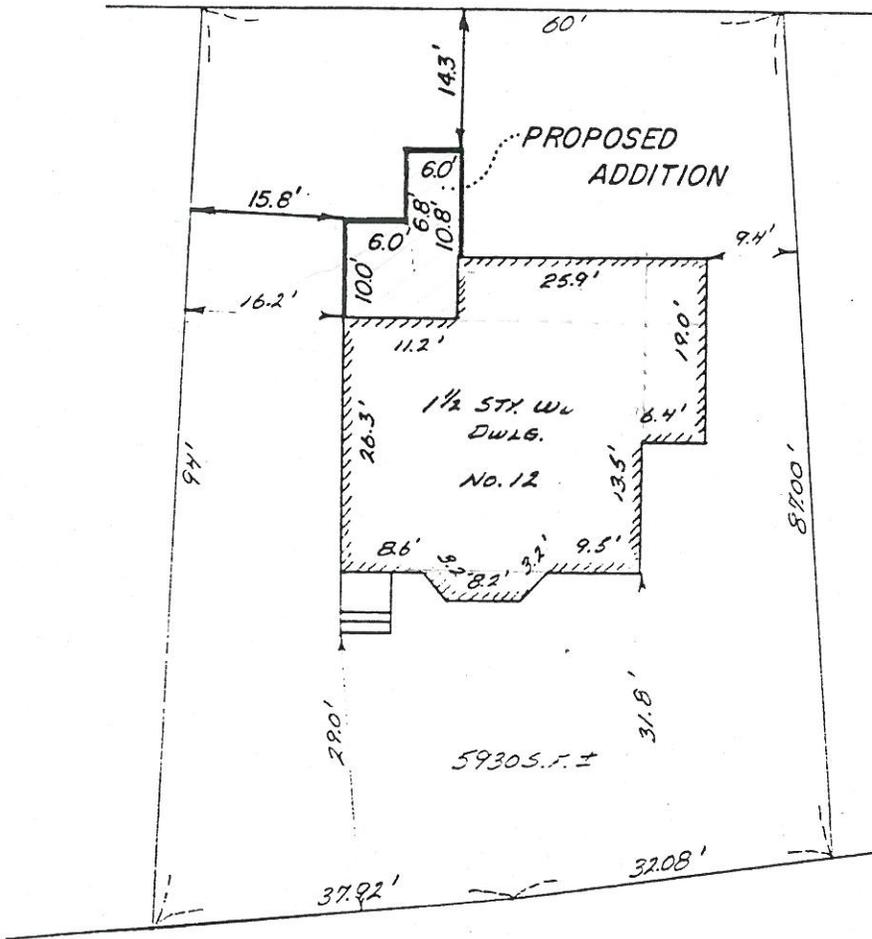
I HEREBY CERTIFY THAT THE OFFSETS AND DIMENSIONS AS SHOWN ON THIS PLAN AREA CORRECT

OCT. 8 1987
DATE

Francis J. Healy RPLS #9539



N/E J.R. - C.C. LYMAN



LAUREL TERRACE



PLOT PLAN SHOWING
PROPOSED ADDITION
WELLESLEY, MA.

SCALE: 1" = 20' DATE 9-15-87

OWNED & PREPARED FOR: WILLIAM P. GAUGHAN
12 LAUREL TERRACE
WELLESLEY, MA.

NOV 2 11 28 AM '87

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