



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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KENDALL P. BATES

ELLEN D. GORDON  
Executive Secretary  
Telephone  
431-1019

WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
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ZBA 87-95  
Petition of Colin and Nansi Widen  
5 Wilde Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, November 19, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley on the petition of COLIN AND NANSI WIDEN requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which would allow construction of the following at their non-conforming dwelling at 5 Wilde Road, in a Single Residence District: 1) removal of an existing porch and addition of a family room approximately 14 feet by 23 feet on the left side, leaving less than the required left side yard; 2) addition of a deck approximately 6.5 feet by 14 feet at the rear of the dwelling, 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 was Colin Widen, who was accompanied by his wife, Nansi. Mr. Widen said the family room would be a further encroachment of 6 feet on the left side yard. The Board felt that such an encroachment would be substantial.

Mrs. Widen explained that there was no alternative placement for the addition. The porch is not large enough to remodel without enlargement. The back yard is bordered by large pine trees which extend 8 feet into the back yard. The Board noted that the back yard of 20 feet was unused.

Dale Meier, 9 Wilde Road, representing her mother, Mrs. Harold Goodnough, who is the left side abutter, stated opposition to the addition encroaching on the left side yard. The proposed addition would face the Goodnough's den.

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

Statement of Facts

The non-conforming dwelling is located at 5 Wilde Road, in a Single Residence District, on a 8,400 square foot lot with a right side yard of 13 feet and a left side yard of less than 20 feet.

The petitioners request a variance, as stated above, to remove an existing porch and add a family room leaving a left side yard of 11 feet and to add a deck, also leaving less than the required left side yard.

A Plot Plan, dated October 28, 1987, drawn by Ronald R. Turchi, Registered Land Surveyor; a construction and elevation plan dated October 6, 1987 and revised

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October 21, 1987, drawn by Brian P. Judge, A.I.A.; and photographs of the property were submitted.

The Planning Board, in its letter of November 12, 1987, advised that it had voted to oppose the variance as it appeared it would represent a substantial encroachment on the side lot line.

Decision

This Authority has made a careful study of the evidence presented.

Variations may only be granted by the Permit Granting Authority once they have found any or all of the following (Section XXIV-D 1 as quoted from the Zoning Bylaw):

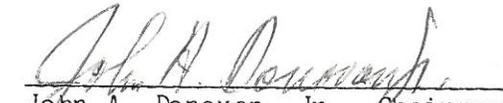
- "1. ...
- a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to: i) soil conditions, ii) shape, or iii) topography of such land or structures, especially affecting such land or structures but not generally affecting the zoning district in which it is located; and the hardship shall not have been self-created; and
  - b. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw."

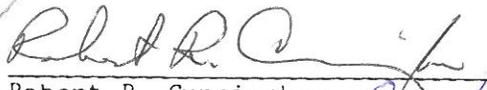
This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D of the Zoning Bylaw, and further finds that relief could not be granted without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw due to the substantial encroachment of the proposed addition.

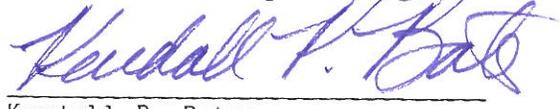
Therefore, it is the unanimous opinion of this Authority that this request for a variance be denied, and this petition is dismissed.

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.

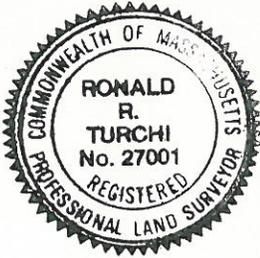
cc: Planning Board  
Inspector of Buildings  
edg

  
John A. Donovan, Jr., Chairman

  
Robert R. Cunningham

  
Kendall P. Bates

DEC 9 11 26 AM '87  
TOWN CLERK'S OFFICE  
MIDDLEBURY, MASS.



# HERITAGE ASSOCIATES

2 PLEASANT STREET  
SOUTH NATICK, MA. 01760

"Harriet Beecher Stowe Home"  
617-653-0880

PLOT PLAN  
COLIN WIDEN  
5 WILDE RD  
WELLESLEY MA.

10/28/87

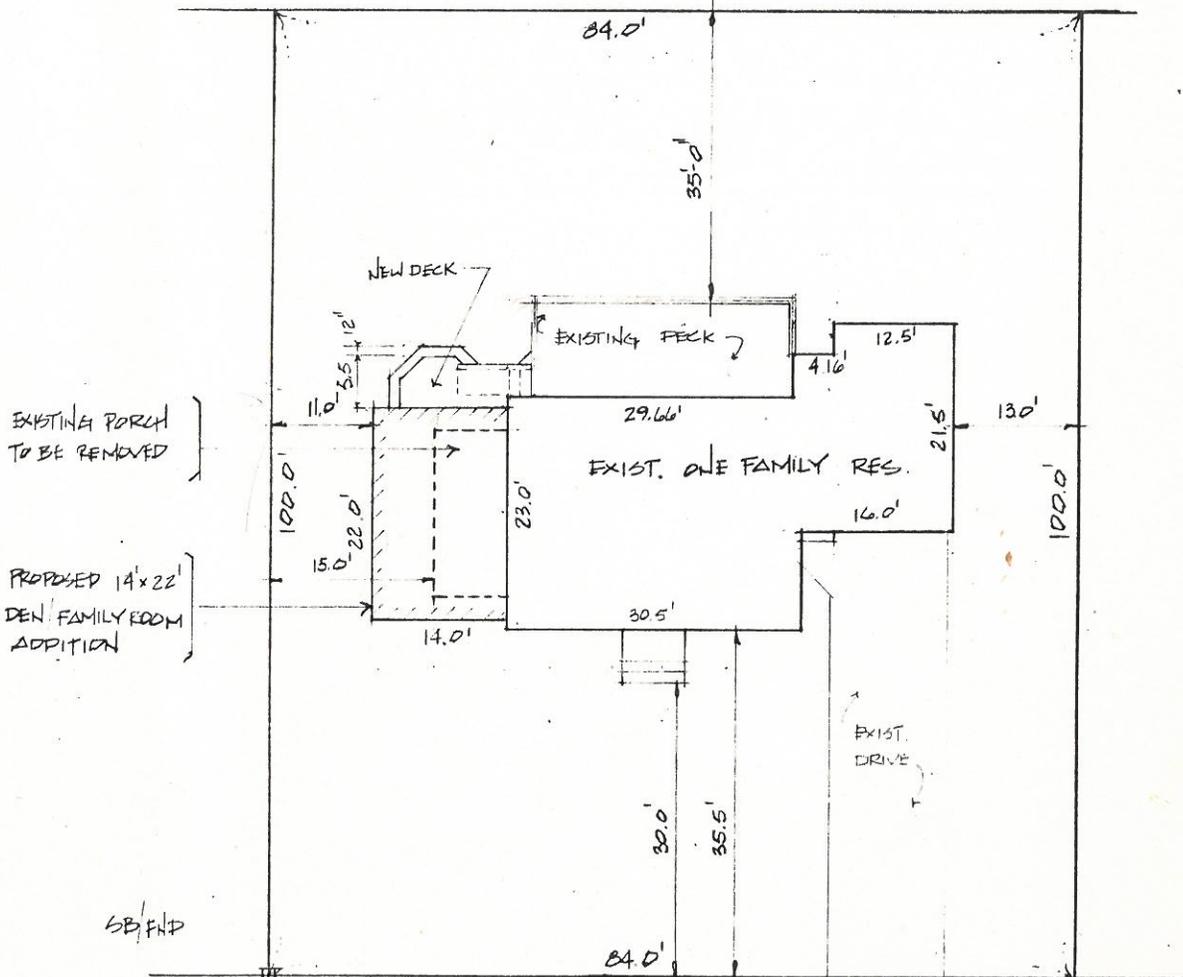
SCALE 1" = 20.0'

I HEREBY CERTIFY THAT THE BUILDINGS ON THIS PROPERTY ARE LOCATED AS SHOWN ON PLAN ABOVE AND COMPLY WITH THE ZONING BY LAWS OF THE TOWN OF WELLESLEY AND IS NOT LOCATED IN A FEDERALLY DESIGNATED FLOOD HAZARD AREA.

THIS PLOT PLAN WAS MADE FROM A INSTRUMENT SURVEY.

*Ronald R. Turchi*  
REGISTERED LAND SURVEYOR

*OCT. 28, 1987* //  
DATE



SB/EHD

WILDE

NOV 2 11 38 AM '87  
RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY MASS  
ROAD