TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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WELLESLEY, MASS.
DEC 31 8 43 AM '87

ZBA 87-99
Petition of David and Sharon White
51 Leighton Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, December 17, 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 DAVID AND SHARON WHITE, requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow construction of an addition to the kitchen approximately 11.6 feet by 9 feet and an attached porch approximately 4 feet by 9 feet at the rear of their non-conforming dwelling at 51 LEIGHTON ROAD, in a Single Residence District, leaving less than the required right side yard.

On November 30, 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 David White who stated that he wished to expand their small kitchen over an area which is presently paved. The one-story addition would be two feet less of an encroachment onto the right side line than the existing dwelling and would be symmetrical with the left side of the home.

No one was present to offer favor or opposition to the request.

Statement of Facts

The non-conforming dwelling is located at 51 Leighton Road, in a Single Residence District, on a 10,107 square foot lot with a right minimum side yard clearance of 15.3 feet.

The petitioners request a variance for an addition of approximately 11.6 feet by 9.0 feet to the kitchen and a porch of approximately 4 feet by 9 feet at the right rear of the dwelling leaving a right side setback of 17.54 feet from the right side line.

A Plot Plan, dated October 22, 1987, drawn by Richard B. Betts, Registered Land Surveyor; construction plans and elevations drawn by Binkley Holser, Architect, and photographs of the property were submitted.

The Planning Board, at its Regular Meeting on December 8, 1987, voted to oppose the granting of a variance as it appeared there were alternative locations for the addition which would comply with the zoning requirements.

Decision

This Authority has made a careful study of the evidence presented. The subject house does not conform to the present Zoning Bylaw as the dwelling comes to 15.3 feet from the right side lot line.

It is the opinion of this Authority 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 right side lot line. It is the further 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 petitioners and 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 51 Leighton Road, said addition to the kitchen approximately 11.6 feet by 9 feet and a porch approximately 4 feet by 9 feet, as shown on the submitted Plot Plan, coming no closer than 17.54 feet to the right side lot line.

The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt 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.

Robert R. Cunningham

Kendall P. Bates

William E. Polletta

cc: Planning Board
Inspector of Buildings

edg

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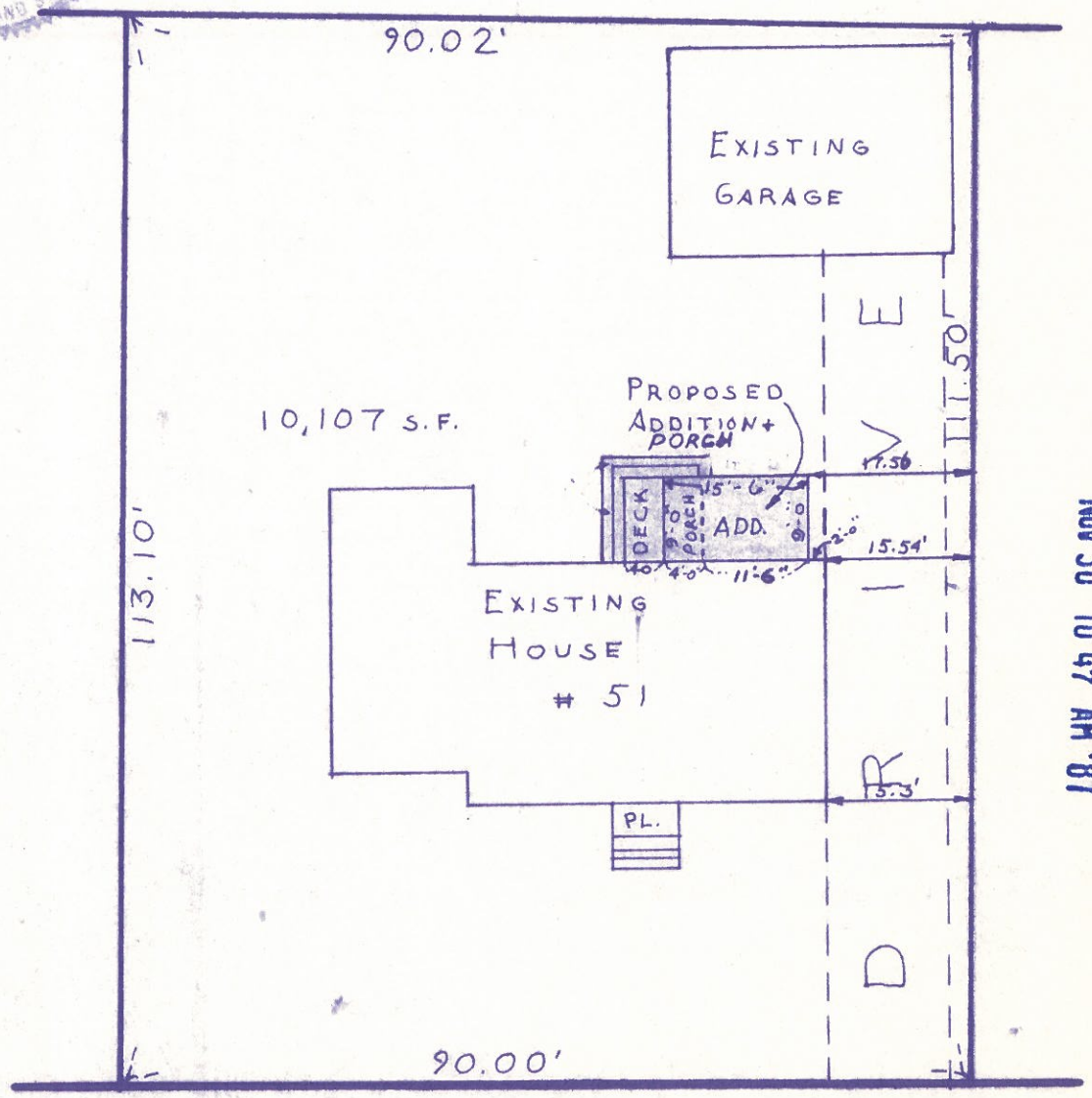
TOWN CLERK'S OFFICE
WAYLAND, MASS.

PLAN OF LAND
IN
WELLESLEY ~ MASS.

SCALE: 1 IN = 20' OCT. 22, 1987
EVERETT M. BROOKS CO., C.E.'s
NEWTONVILLE ~ MASS.

COMMONWEALTH OF MASSACHUSETTS
RICHARD B. BETTS
No. 11223
REGISTERED PROFESSIONAL LAND SURVEYOR

Richard B. Betts



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