



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 87-9
Petition of Perry & Kerry Ligor
3 Bay, Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, February 5, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B), Town Hall, 525 Washington Street, on the petition of PERRY AND KERRY LIGOR requesting four variances from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw for additions to their non-conforming dwelling at 3 BAY ROAD: 1) an existing deck approximately 8 feet by 15 feet at the rear of the dwelling, leaving less than the required left and right side yards; 2) a deck approximately 5 feet by 14 feet at the front of the dwelling, leaving less than the required front yard setback, left and right side yards; 3) a bay window approximately 1 foot by 8 feet leaving less than the required right side yard; 4) a greenhouse window in the kitchen, leaving less than the required right side yard.

On January 16, 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 Perry Ligor, who presented photos of the dwelling and neighboring houses and a map showing the location of other houses in the area, most of which are closer to the street than the Ligers. He stated that the dwelling was formerly a one-room cottage which the Ligers purchased and have been renovating. Mr. Ligor presented a letter in support of the request from the abutters at 5 Bay Road. He stated that he has a hardship because of the narrow lot and the location of the house on the lot.

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

Statement of Facts

The property in question is located at 3 Bay Road, containing 4,875 square feet of land. It is bordered by Cedar Road in the rear. A non-conforming dwelling exists on the lot with a left (westerly) side yard of 9.11 feet and a right (easterly) side yard of 8.38 feet and a setback from Bay Road of 16.7 feet. When the Ligers purchased the property it contained a one-room cottage which they have been renovating. The house has been raised up and a basement added. The deck (approximately 8 by 15 feet) was constructed without a building permit and leaves a left side yard of 7.81 feet and a right side yard of 9.21 feet.

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3 Bay Road

The Ligors are requesting variances for the following: 1) the existing 8 by 15 foot deck at the rear of the house coming no closer than 7.81 feet from the left side lot line and 9.21 feet from the right side lot line; 2) a balcony approximately 5 feet by 14 feet at the front of the house leaving a setback from Bay Road of 11.30 feet, coming no closer than 14.08 feet from the left side lot line and no closer than 8.24 feet from the right side lot line; 3) a bay window approximately 8 feet by 1 foot coming no closer than 7.3 feet from the right side lot line; 4) a greenhouse window in the kitchen coming no closer than 7.3 feet from the right side lot line.

The hardship claimed is due to the shape of the lot with a frontage of only 40 feet on Bay Road, the size of the lot and the location of the house on the lot. The area consists of former cottages, some of which are built even closer to the street than the Ligors.

A Plot Plan was presented, drawn by Louis F. Bruno, Registered Land Surveyor, of LKF Consultants, W. Newton, Ma., dated December 26, 1986. Construction sketches were presented, as were photos.

The Planning Board voted on 1/27/87 to "oppose the variance request for the front deck. The Board offers no objection to the variances for the windows as the encroachment appears to be minor. The Board offered no objection to a variance for the rear deck provided it is constructed no closer to the west side lot line than the existing house (approximately 9 feet)."

Decision

This Authority has made a careful study of the evidence presented. The petition for house in question is non-conforming, comes to 8.38 feet from the right side lot line, 9.11 feet from the left side lot line, and 16.7 feet from Bay Road.

It is the opinion of this Authority that the proposed additions conform to the present lines of the house and do not alter the relationship of the house to the lot lines. It is the opinion of this Authority that, because of the shape and size of the lot, the location of the house on the lot and because the area consists of many former cottages which were built very close to the street, 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 Board that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variances are granted as follows: 1) the existing 8 by 15 foot deck at the rear of the dwelling coming no closer than 7.81 feet from the left side lot line and 9.21 feet from the right side lot line; 2) a balcony approximately 5 feet by 14 feet at the front of the house leaving a setback from Bay Road of 11.30 feet, coming no closer than 14.08 feet from the left side lot line and no closer than 8.24 feet from the right side lot line; 3) a bay window

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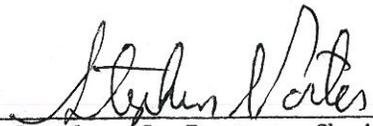
approximately 8 feet by 1 foot coming no closer than 7.3 feet from the right side lot line; 4) a greenhouse window in the kitchen coming no closer than 7.3 feet from the right side lot line; as shown on the Plot Plan dated 12/26/87 drawn by Louis F. Bruno, Registered Land Surveyor, of LKF Consultants, Inc., W. Newton.

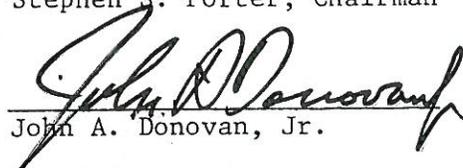
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans. If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and 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

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Stephen S. Porter, Chairman


John A. Donovan, Jr.


William E. Polletta

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