


 ZONING BOARD OF APPEALS
 TOWN HALL WELLESLEY, MA 02181

9 05 AM '88

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 ZBA 88-10
 Petition of John G. and Ann E. Harris, Jr.
846 Worcester Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 21, 1988 at 8 p.m. in the Great Hall of the Town Hall at 525 Washington Street, Wellesley on the petition of JOHN G. AND ANN E. HARRIS, JR. requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which would allow construction of a bulkhead approximately 7.3 feet by 5.3 feet in conjunction with a new addition at their non-conforming dwelling at 846 WORCESTER STREET in a Single Residence District, leaving less than the required right side yard.

On January 4, 1988 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 John G. Harris, Jr. who stated that he wished to remove the existing addition and the concrete patio and replace them with the new addition. The bulkhead would be located on the west side of the patio, at grade, and would provide entrance to a full cellar. Presently, the only egress to the cellar is through the kitchen. The bulkhead was sited on the west side to avoid removal of a large red maple at the rear of the property.

No others present had any comments on the petition.

Statement of Facts

The non-conforming dwelling is located at 846 Worcester Street in a Single Residence District on a 10,810 square foot lot with a minimum right side yard clearance of 9 feet.

The petitioners request a variance for a bulkhead approximately 7.3 feet by 5.3 feet at the right side of the dwelling, leaving a right side yard of 13.0 feet, in conjunction with extensive renovation which includes removal of an existing addition and a concrete patio which is presently 9 feet from the right side lot line.

A Plot Plan dated December 23, 1987, drawn by Francis J. Healy, Registered Land Surveyor; construction plans and elevations dated October 26, 1987, drawn by Wellesley Design; and photographs were submitted.

The Planning Board, at its regular meeting on January 19, 1988, voted to offer no objection to the petition.

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Decision

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

It is the opinion of this Authority that the proposed bulkhead represents less of an encroachment than presently exists, and that due to 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 bulkhead 7.3 feet by 5.3 feet subject to construction in accordance with the plot plan and construction plans as submitted, said bulkhead coming no closer than 13 feet to the right side lot line.

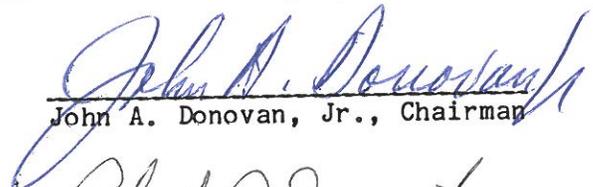
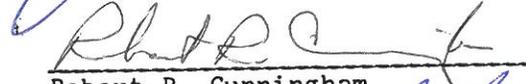
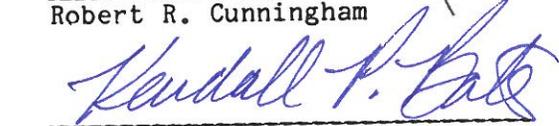
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

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

edg


John A. Donovan, Jr., Chairman

Robert R. Cunningham

Kendall P. Bates

WORCESTER STREET

N 84°-11' E

72.00'

39'±

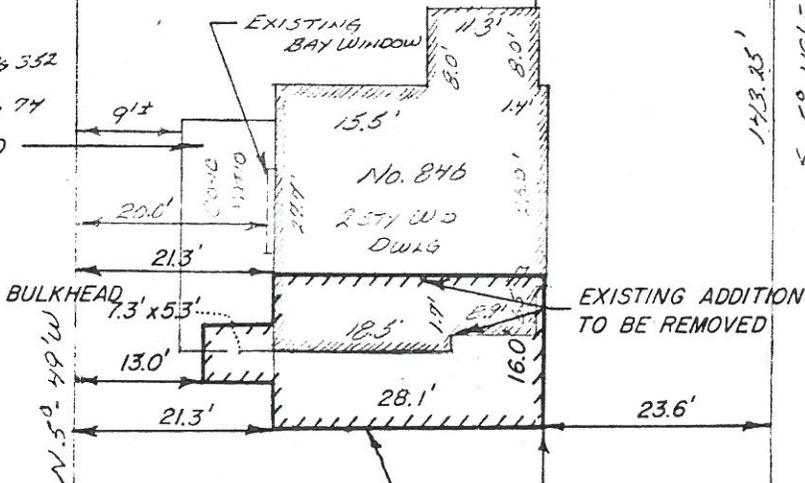
143.25'
S 5°-49' E

REFERENCES:

DEED - BK 4577 Pg 352

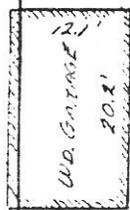
PLAN - 311 1691 P, 74

EXISTING CONC. PAD
TO BE REMOVED



PROPOSED ADDITION
16.0' x 28.1'

10,810 S.F.



N/E A ANDERSON

N/E H.S. & A.M. SPUR

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REGISTRARS OFFICE
WELLESLEY MASS.



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

PLOT PLAN SHOWING

PROPOSED ADDITION

WELLESLEY, MASS.

SCALE 1" = 20' DATE 12/23/87

Francis J. Healy R.P.L.S. # 9539 12/23/87
 EXAMINED BY: [Signature] DATE