



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

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ZBA 88-46

Petition of Joseph and Carolyn Cincotti
17 Tappan Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, June 23, 1988 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 JOSEPH AND CAROLYN CINCOTTI requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow enclosure of the existing rear entrance approximately 6.4 feet by 7.5 feet at their non-conforming dwelling at 17 TAPPAN ROAD, in a Single Residence District, with less than than required right side yard.

On June 6, 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 Carolyn Cincotti who said that she wished to enclose the existing rear entry to gain more space. The roof structure would remain the same.

Alan Slawsby, 20 Tappan Road, presented a petition signed by himself and David Staelin, 14 Tappan Road, in favor of the petition.

No other persons had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 17 Tappan Road on a 10,098 square foot lot with a minimum right side yard clearance of 14.6 feet.

The petitioners request a variance to enclose an existing rear entrance, approximately 6.4 feet by 7.5 feet, which presently encroaches to within 14.6 feet of the right side lot line. The enclosure will not encroach any further onto the inadequate right side yard.

A Plot Plan, dated May 23, 1988, drawn by Carmelo Frazetti, Registered Land Surveyor, unsigned and undated construction sketches and photographs were submitted.

The Planning Board, on June 14, 1988, voted to offer no comment to the granting of the variance request.

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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 enclosure of the rear entrance conforms to the present lines of the house and does not alter the relationship of the house to the right side lot line.

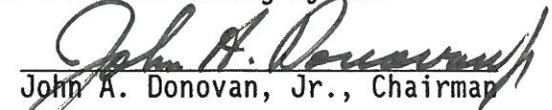
It is the opinion of this Authority that because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted to enclose the rear entrance subject to construction in accordance with the plot plan and construction plans as submitted and noted in the Statement of Facts.

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.


John A. Donovan, Jr., Chairman

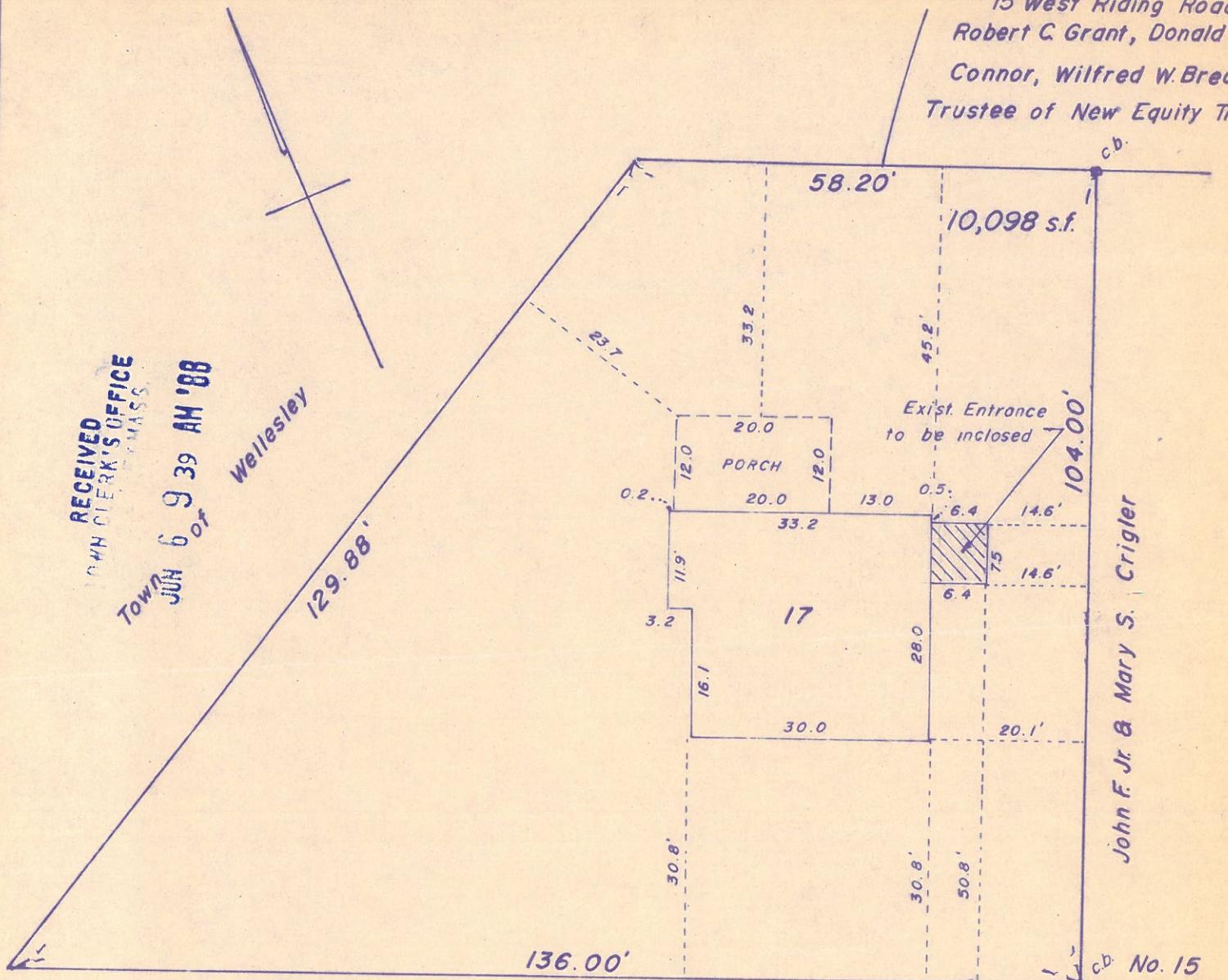

Robert R. Cunningham


William E. Polletta

cc: Planning Board
Inspector of Buildings
edg

15 West Riding Road
Robert C. Grant, Donald J.
Connor, Wilfred W. Breden
Trustee of New Equity Trust

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TAPPAN (pubic 40.00' wide) ROAD

PLAN OF LAND
in
WELLESLEY, MASSACHUSETTS
at
No. 17 TAPPAN ROAD

Owned by
Joseph C. & Carolyn J. Cinnotti
May 23, 1988
Carmelo Frazetti



Exist. Entrance to be inclosed
Scale: 1" = 20'
Land Surveyor