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ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-47
Petition of Myron and Oriel Siner
14 Brook Street

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 MYRON AND ORIEL SINER requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow construction of a kitchen addition approximately 6 feet by 11 feet 1 1/2 inches with an attached mud room approximately 6 feet by 5 feet and a deck approximately 393 square feet at their non-conforming dwelling at 14 BROOK STREET, in a Single Residence District. Both additions and the deck have less than the required left 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 Oriel Siner who said that the construction would not involve further encroachment onto the 10.8 foot left side yard. The deck would cover the existing bulkhead and would have a removable section to allow entry to the bulkhead.

Robert Connor, 12 Brook Street, said he was in favor of the petition. No other persons had any comment.

Statement of Facts

The non-conforming dwelling is located at 14 Brook Street, in a Single Residence District, on a 10,000 square foot lot, with a minimum left side yard clearance of 10.8 feet.

The petitioners are requesting a variance to construct a kitchen addition approximately 6 feet by 11 feet 1 1/2 inches, a mudroom approximately 6 feet by 5 feet and a deck approximately 393 square feet leaving a left side yard of 10.8 feet at the point of attachment of the kitchen addition to the dwelling and a left side yard of 11.1 feet at the left rear corner of the deck.

A Plot Plan, dated May 14, 1988, drawn by John J. Regan, Registered Land Surveyor; construction plans dated May, 1988, drawn by L. Van Nederynen Construction; and photographs were submitted.

The Planning Board, on June 14, 1988, voted to offer no objection as it appears that there is no further encroachment on the inadequate side yard.

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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 kitchen, mudroom and deck additions conform to the present lines of the house and do not alter the relationship of the house to the left 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 petitioner 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 the kitchen addition, mudroom and deck, subject to construction in accordance with the plot plan and construction plans as submitted and described in the foregoing Statement of Facts.

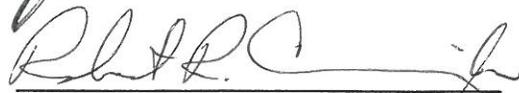
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

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.

cc: Planning Board
Building Inspector
edg


John A. Donovan, Jr., Chairman

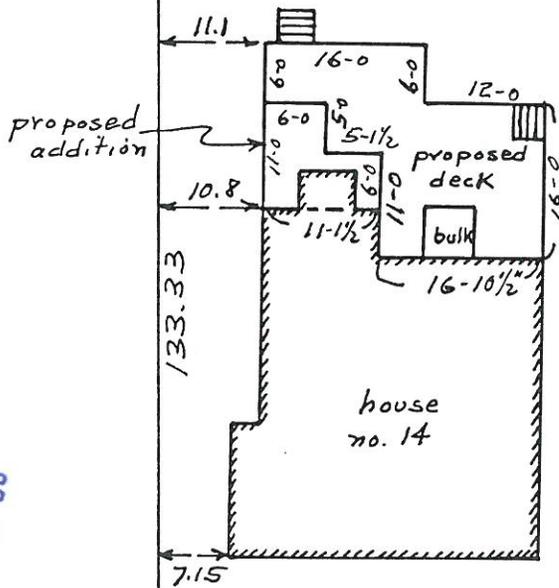

Robert R. Cunningham


William E. Polletta

75.00



barn



house no. 14

10,000 s.f.

133.33

Coverage -

House, barn, proposed deck and proposed addition = 2290± s.f. or 23%

75.00

BROOK STREET
PLAN OF LAND
IN
WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF
MYRON & ORIEL M. SINER
14 BROOK STREET
WELLESLEY



John J. Regan

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SCALE 1 IN = 20 FT
JOHN J. REGAN
NEWTON HIGHLANDS

MAY 14, 1988
LAND SURVEYOR
MASS.