



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-49
Gregory and Kathryn Sipp
2 Lake 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 GREGORY AND KATHRYN SIPP requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow the raising of the roof approximately 10 feet at their non-conforming dwelling at 2 LAKE ROAD, in a Single Residence District, to accommodate the addition of a second floor approximately 1,120 square feet, with less than the required right side yard; and construction of a landing and stairs approximately 8.5 feet by 5.6 feet with less than the required right side yard.

On June 6, 1988, the petitioners requested a hearing before this Board and thereafter due notice was given by mailing and publication.

Presenting the case at the hearing was Gregory Sipp who said that the house had only one small bedroom and they would like to add more living space. Most homes in the area have two stories. Due to the configuration of the road, the back of the house is actually the side of the house which requires a 20 foot setback, rather than the required rear setback of 10 feet.

No other persons had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 2 Lake Road, in a Single Residence District, on a 12,914 square foot lot with a minimum right side yard clearance of 15.07 feet.

The petitioners are requesting a variance to raise their roof approximately 10 feet to accommodate the addition of a second floor approximately 1,120 square feet and construction of a landing and stairs approximately 8.5 feet by 5.6 feet. The second floor addition would come no closer than 15.07 feet from the right side lot line; the stairs and landing would come no closer than 19.75 feet from the right side lot line.

A Plot Plan, dated May 2, 1988, drawn by Louis F. Bruno, Registered Land Surveyor; construction plans, dated May 23, 1988, drawn by Dave Phillips of the Taylor Group, Inc.; and photographs were submitted.

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A letter dated June 23, 1988, expressing opposition to the petition, was submitted by Michael T. Greene, 16 Bay Road.

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

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 raising of the roof, the addition of a second floor, and the addition of a landing and stairs conform to the present lines of the house and do 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 that 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 raise the roof approximately 10 feet, to add a second floor and construct a landing and stairs subject to construction in accordance with the Plot Plan and construction plans as submitted and noted 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.


John A. Donovan, Jr., Chairman


Robert R. Cunningham

cc: Planning Board
Inspector of Buildings


William E. Polletta

edg

