



RECEIVED  
CLERK'S OFFICE  
WELLESLEY MASS.  
FEB 26 9 04 AM '88

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

ZBA 88-6

Petition of Peter M. Yurchak  
78 Denton Road

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, 525 Washington Street, Wellesley on the petition of PETER M. YURCHAK requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow the addition to his non-conforming dwelling at 78 DENTON ROAD, in a Single Residence District, of a breakfast room approximately 71 square feet, 3 steps and a landing leading to a relocated kitchen entrance at the right rear of the dwelling, leaving less than the required right side yard and less than the required rear setback.

Presenting the case was Robert Koup, architect for the Yurchaks who were also present. Mr. Koup stated that St. Andrews Episcopal Church was directly facing the property, a multi-family dwelling abutted the right side, and a parking lot abutted the rear of the property. He explained that the addition is part of a extensive rehabilitation of the home, is an extension of the existing line of the house, would not be a further encroachment on the right side yard, but would encroach on the rear setback. The addition would replace existing sheds.

No other persons present had any comments on the petition.

#### Statement of Facts

The non-conforming dwelling is located at 78 Denton Road, in a Single Residence District, on a 11,454 square foot lot with a minimum right side yard clearance of 13.6 feet. It is presently conforming in its rear setback. The property is bounded on its right side by a multi-family dwelling and at the rear by the property at 6 Cottage Street. A small section of the right rear property line is abutted by a parking lot.

The petitioner is requesting a variance to construct an addition comprised of a 71 square foot breakfast room, three steps and a landing leading to a relocated kitchen entrance at the right rear of the dwelling leaving less than the required right side yard of 12.4 feet and less than the required rear setback of 9.2 feet.

A Plot Plan, dated November 20, 1987, drawn by George N. Giunta, Registered Land Surveyor; Construction Plans and Elevations, dated November 6, 1987, drawn by Samuel Norod, architect; and photographs were submitted.

The Planning Board, at its regular meeting on January 19, 1988, voted to oppose the addition as it represents a substantial encroachment into the inadequate side yard and rear yard.

ZBA 88-6  
Petition of Peter M. Yurchak  
78 Denton Road

RECEIVED  
TOWN CLERK'S OFFICE  
WILLESLEY MASS.  
FEB 26 9 04 AM '88

Decision

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

It is the opinion of this Authority that the proposed one-story addition conforms to the existing right side line of the house and that the encroachment of .8 feet on the rear yard is too small to be disallowed.

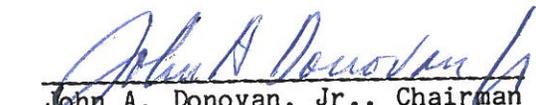
It is the opinion of this Authority that, because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner and that desirable relief may be granted without substantially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

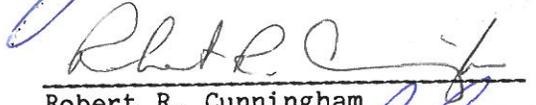
Therefore, the requested variance is granted to construct a one-story addition at 78 Denton Road subject to construction in accordance with the Plot Plan as submitted coming no closer than 12.4 feet to the right side lot line and no closer than 9.2 feet to the rear lot line.

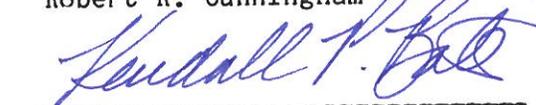
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

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.

  
\_\_\_\_\_  
John A. Donovan, Jr., Chairman

  
\_\_\_\_\_  
Robert R. Cunningham

  
\_\_\_\_\_  
Kendall P. Bates

cc: Planning Board  
Inspector of Buildings

edg

