



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-7

Petition of R. Robert Woodburn, Jr. and Janet Smith  
25 Cypress 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 R. ROBERT WOODBURN, JR. AND JANET M. SMITH requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which would allow the raising of the ridge line of the roof approximately 3 feet on their non-conforming dwelling at 25 CYPRESS ROAD, in a Single Residence District, said dwelling having 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 R. Robert Woodburn, Jr. who stated that they were in the process of renovating their home when the contractor discovered that new joists were needed to support the third floor. The new joists would lower the headroom so that it would be necessary to raise the roof to make the space usable on the third floor. The two semi-finished attic bedrooms would be remodeled to full-size bedrooms and a bath would be added. The portion of the roof involved is approximately 3 feet.

No other persons present had any comments on the petition.

Statement of Facts

The non-conforming dwelling is located at 25 Cypress Road in a Single Residence District on a 23,640 square foot lot with a right side yard clearance of 6.07 feet.

The petitioners request a variance to raise the ridge line of a three foot portion of their roof approximately three feet on the non-conforming side of the property, not exceeding the highest point of the existing roof and not encroaching further on the lot lines.

A Plot Plan dated December 10, 1987, drawn by George N. Giunta, Registered Land Surveyor; construction plans and elevations; photographs and a cover letter signed by R. Robert Woodburn, Jr. were submitted.

The Planning Board, at its Regular Meeting on January 19, 1988, voted to oppose the granting of the variance. The Board was concerned that the construction would enable an additional dwelling unit to be installed on the third floor.

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WELLESLEY, MASS.  
JAN 21 1988

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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 raising of the ridge line of the roof on the three foot portion involved approximately three feet 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 further opinion of this Authority that, because of 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.

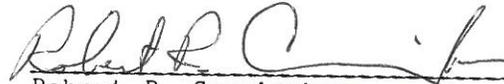
Therefore, the requested variance is granted to raise the ridge line of the roof approximately three feet on the portion involved subject to construction in conformance with the Plot Plan and construction plans as submitted.

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

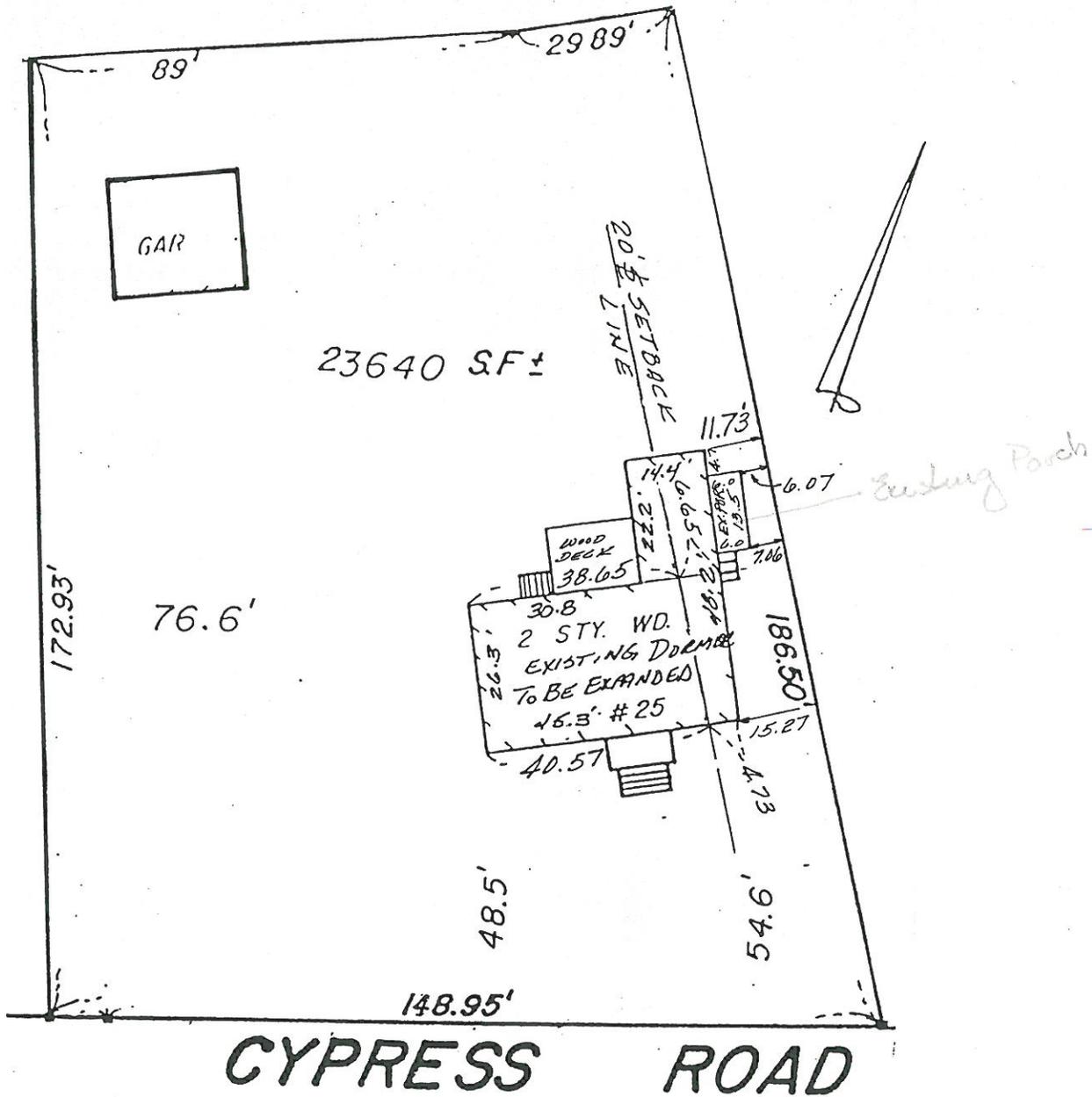
  
Robert R. Cunningham

  
Kendall P. Bates

cc: Planning Board  
Inspector of Buildings

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PLOT PLAN OF LAND  
 IN  
**WELLESLEY — MASS.**

DEC. 10, 1987

SCALE 1" = 30'

NEEDHAM SURVEY ASSOCIATES  
 76 NEHOIDEN ST.  
 NEEDHAM, MASS.



08. 11 02 2  
 NEEDHAM SURVEY ASSOCIATES  
 76 NEHOIDEN ST.  
 NEEDHAM, MASS.