



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 89-24
Petition of Margaret D. Thompson
44 Leighton Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 25, 1989 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 MARGARET D. THOMPSON requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow construction of a deck approximately 10 feet 5 inches by 17 feet 5 inches at her non-conforming dwelling with less than the required left side yard at 44 LEIGHTON ROAD, in a Single Residence District.

On May 5, 1989 the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Margaret Thompson who said she proposed to build a rectangular deck which extended the line of the house and would be less of an encroachment than the existing house. The immediate abutters have been contacted and had no objection.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 44 Leighton Road, in a Single Residence District, on a 8,925 square foot lot, with a minimum left side yard clearance of 14.57 feet and a minimum front setback of 25.48 feet.

The petitioner is requesting a variance to construct a deck approximately 10 feet 5 inches by 17 feet 5 inches which would leave a left side yard of 14.63 feet at the front corner and 14.67 feet at the rear corner. The front corner of the dwelling has a left side yard of 14.57 feet.

A Plot Plan, dated April 10, 1989, drawn by Everett M. Brooks, Registered Land Surveyor; construction plans and elevations, drawn by A.K. Wells, Jr., dated April 21, 1989; and photographs were submitted.

The Planning Board, on May 8, 1989, voted to offer no objection to the granting of the variance request.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
JUN 15 9 17 AM '89

ZBA 89-24
Petition of Margaret D. Thompson
44 Leighton Road

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 addition conforms to the present lines of the house and will be less of an encroachment on the left side lot line than the existing dwelling.

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.

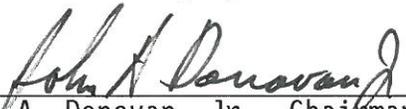
Therefore, the requested variance is granted to construct said deck subject to construction in accordance with the Plot Plan and construction plans as submitted and described in the foregoing Statement of Facts, said deck coming no closer than 14.63 feet from the left side lot line.

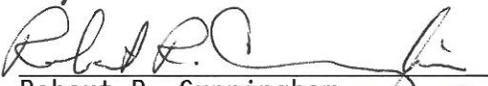
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

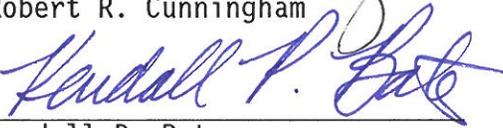
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Robert R. Cunningham

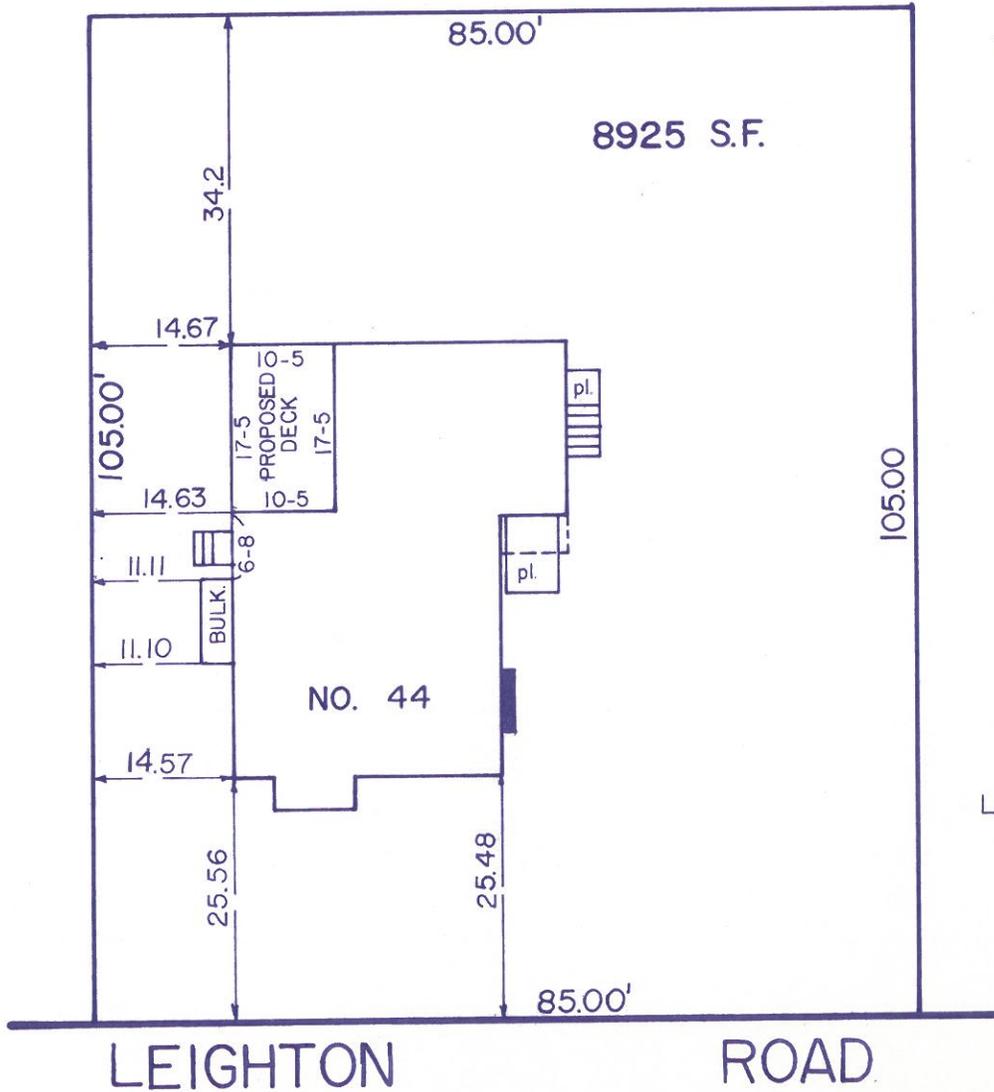

Kendall P. Bates

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
JUN 15 9 17 AM '89

PLAN OF LAND
 IN
 WELLESLEY MASS.

SCALE 1 IN=20 FT. APRIL 10, 1989
 EVERETT M. BROOKS CO. C.E.'s
 NEWTONVILLE MASS

RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY, MA 02181
 MAY 5 9 27 AM '89



LOT COVERAGE=16%