



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 89-29
Petition of Charlotte I. Midwood
22 Shaw 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 at 525 Washington Street, Wellesley on the petition of CHARLOTTE I. MIDWOOD, requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow the addition of an area approximately 7 feet 4 inches by 10 feet to an existing porch at her non-conforming dwelling at 22 SHAW ROAD, in a Single Residence District, with less than the required right side yard.

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 Charlotte Midwood, who said that she would like to enlarge her existing porch, which is very small. The house and porch were built in 1935 and are non-conforming according to current zoning. Mrs. Midwood said that there is no opposition from the abutting neighbors whose garage faces the porch.

No other persons present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 22 Shaw Road, in a Single Residence District, on a 10,092 square foot lot with a minimum right side yard clearance of 14.1 feet.

The petitioner is requesting a variance to enlarge the existing porch by constructing an addition to the porch approximately 7 feet 4 inches by 10 feet, which would leave a minimum right side yard clearance of 13.9 feet.

The house and porch were built in 1935 prior to zoning requirements.

A Plot Plan, dated May 2, 1989, drawn by Richard B. Betts, Registered Land Surveyor; undated, unsigned construction drawings and elevations; and photographs were submitted.

The Planning Board, on May 8, 1989, voted to oppose the granting of the petition as it represents a substantial additional encroachment on the inadequate 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 Bylaws as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed addition to the existing porch conforms to the present lines of the house, and that the additional encroachment of 2 inches on the right side yard is de minimus and can be allowed.

It is the opinion of the 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.

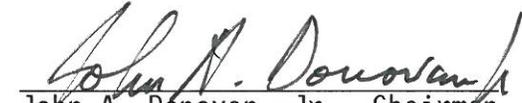
Therefore, the requested variance is granted to construct an addition to the existing porch, said addition subject to construction in accordance with the plot plan and construction drawings as submitted and noted in the foregoing Statement of Facts, and coming no closer than 13.9 feet from the right side lot line.

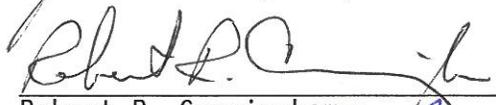
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

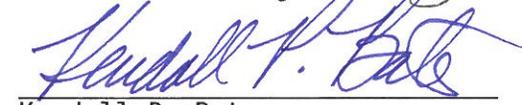
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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

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PLAN OF LAND IN WELLESLEY, MASS

TO ACCOMPANY PETITION OF CHARLOTTE MIDWOOD

SCALE: 1 IN. = 20 FT. MAY 2, 1989

EVERETT M. BROOKS CO., C. E.'s
259 WALNUT STREET
NEWTONVILLE, MASS.



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