



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

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Executive Secretary
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WILLIAM E. POLLETTA
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ZBA 89-33
Petition of William and Katherine Barrack
7 Highland Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, June 29, 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 WILLIAM AND KATHERINE BARRACK 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 18 feet by 11 feet at the rear of their non-conforming dwelling at 7 HIGHLAND ROAD, in a Single Residence District, with less than the required right side yard.

On June 13, 1989, the petitioners 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 Katherine Barrack, who said she was requesting permission to build the deck in order to gain access to the rear of the house. If the deck were to conform by moving it to the left, the access to the garage and a basement exit would be blocked. Mrs. Barrack said there is no rear access to the house at this time, nor is there any interior access to the house from the garage.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 7 Highland Road, in a Single Residence District, on a 6,500 square foot lot, with a minimum right side yard clearance of 9.6 feet from the right rear corner of the dwelling and a minimum front setback of 24.7 feet.

The petitioners are requesting a variance to construct a deck at the rear of the dwelling, approximately 18 feet by 11 feet, which would leave a minimum right side yard clearance of 14.7 feet.

A Plot Plan, dated June 5, 1989, drawn by Anthony M. Dellorico, Registered Land Surveyor; unsigned, undated construction plans and elevations; and photographs were submitted.

The Planning Board, on June 20, 1989, voted to offer no objection to the granting of the requested variance.

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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 deck conforms to the present lines of the house and is less of an encroachment on the right side lot line than the existing house.

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 petitioners, and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

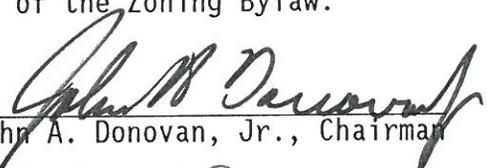
Therefore, the requested variance is granted to construct a deck subject to construction in accordance with the plot plan and construction drawings as submitted and noted in the foregoing Statement of Facts, said deck coming no closer than 14.7 feet to the right side lot line.

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.

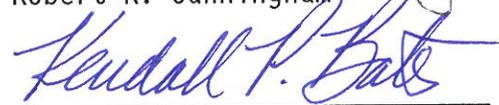
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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

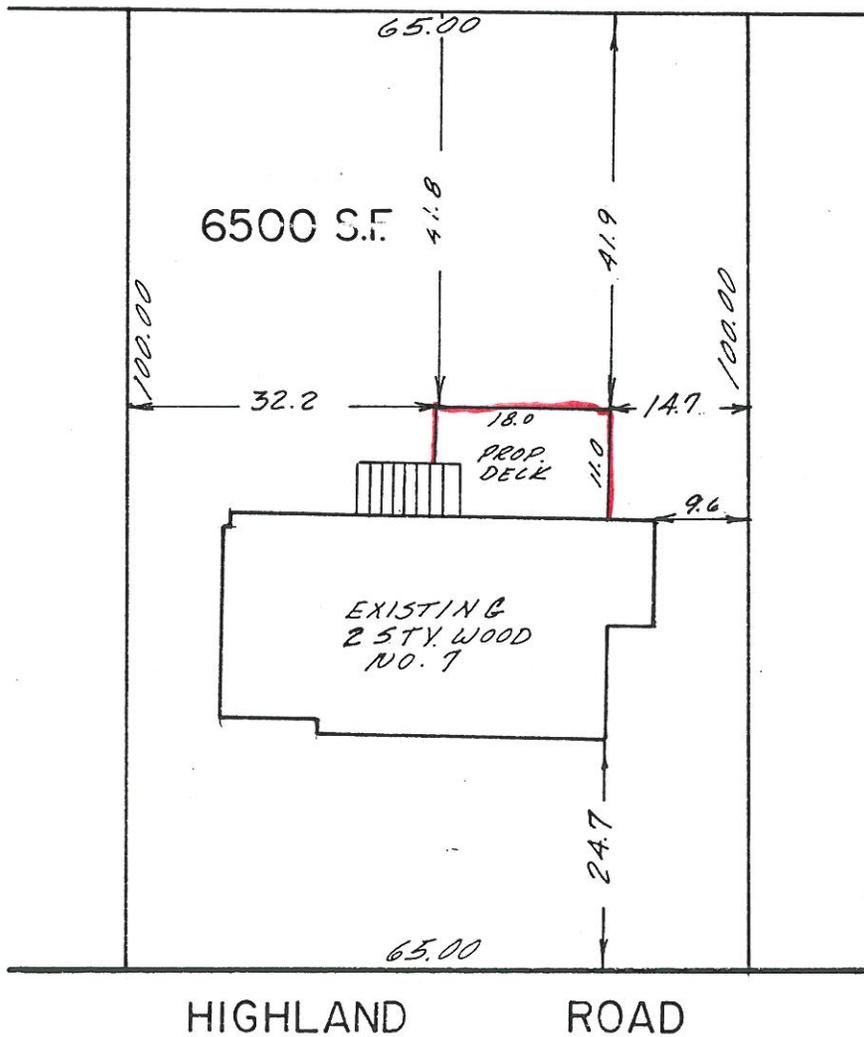

Robert R. Cunningham


Kendall P. Bates

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PLOT PLAN OF LAND
IN
WELLESLEY — MASS.

JUNE 5, 1989 SCALE 1" = 20'
NEEDHAM SURVEY ASSOCIATES
76 NEHOIDEN ST.
NEEDHAM, MASS.

