TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 89-44
Petition of Helen V. Trow
414 Weston Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, August 24, 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 HELEN V. TROW requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow construction of a one-story addition approximately 4.1 feet by 10 feet at her non-conforming dwelling at 414 WESTON ROAD, in a Single Residence District, with less than the required right side yard.

On August 4, 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 Alan Trow, son of the petitioner, Helen Trow, who was also present. Mr. Trow said that the proposal consisted of a 40 square foot addition on the northeast corner of the house to enclose an interior recessed corner. The space would be used for a bathroom addition on the first floor so that his mother, who has medical problems, would not have to climb the stairs to reach the only existing bathroom. The addition would come no closer to the lot line and is necessary for his mother's well-being.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 414 Weston Road, in a Single Residence District, on an 8,631 square foot lot with a minimum right yard clearance of 8.84 feet.

The petitioner requests a variance to construct an addition approximately 4.1 feet by 10 feet at the right front corner of the dwelling which would leave a minimum right side yard of 15.05 feet at the front corner and 9.82 feet at the rear corner of the addition.

A Plot Plan, dated June 23, 1989, drawn by George N. Giunta, Registered Land Surveyor; undated and unsigned floor plans and elevations; and photographs were submitted.

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

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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 one-story addition 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 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 subject to construction in accordance with the plot plan and construction plans as submitted and noted in the foregoing Statement of Facts, said addition coming no closer to the right side lot line than 15.05 feet at the front right corner and 9.82 feet at the right rear corner.

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

Kendall P. Bates

Robert R. Cunningham

cc: Planning Board
Inspector of Buildings
edg

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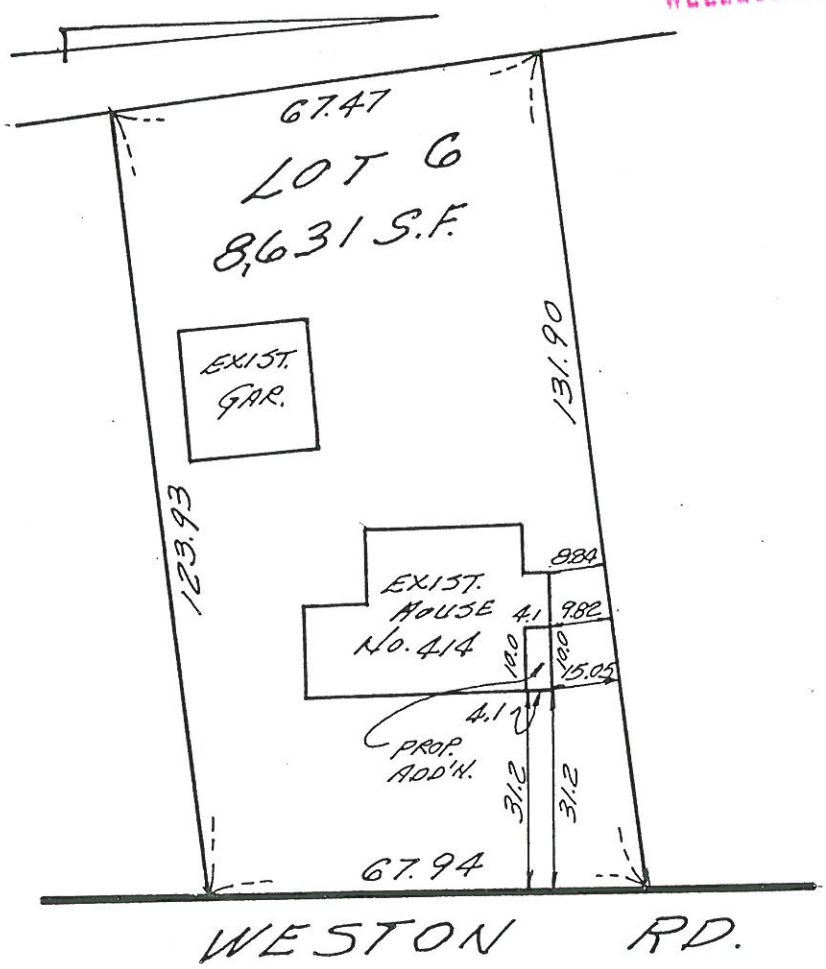

PLOT PLAN OF LAND
IN
WELLESLEY —— MASS.

JUNE 23, 1989 SCALE 1"=30'

NEEDHAM SURVEY ASSOCIATES, INC.
76 NEHOIDEN ST.
NEEDHAM, MASS.