



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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ZBA 90-15
Petition of Danny S. Yee
24 Damien Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, March 22, 1990 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 DANNY S. YEE, requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow: 1) a two foot expansion and enclosure of an existing front porch, approximately 26.5 feet by 8 feet, which would include raising the the porch roof approximately 3 feet. Said porch has less than the required front and left side yard setbacks; and 2) construction of a two-story addition approximately 23 feet by 30.25 feet with less than the required front setback at his non-conforming dwelling at 24 DAMIEN ROAD, in a Single Residence District, with less than the required front setback and less than the required left side yard.

On March 5, 1990, 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 Danny Yee, who said that he wishes to extend the living room, which is small and dark, and raise the porch roof approximately 3 feet across about 3/5 of the porch to allow a higher ceiling in the living room. Mr. Yee stated that the addition will have two bedrooms over a garage constructed on the mean grade. The driveway will come in on the right and turn 90 degrees into the garage.

Bradley Boyd, 4 Damien Road, expressed objections to the design of the front porch enclosure, which he felt would not be in keeping with the traditional style of the house.

Ann Hile, 38 Damien Road, also expressed objections to raising the roof of the porch as all other enclosed porches on the street are only one story high.

Mr. Yee said that enlarging the living room required raising the ceiling to keep the room in balance, but that skylights could be added to the roof and windows added to the north side to relieve the massivity.

Statement of Fact

The non-conforming dwelling is located at 24 Damien Road, in a Single Residence District, on a 10,000 square foot lot, with a minimum front yard setback of 17 feet and a minimum left side yard clearance of 12.8 feet. The dwelling was constructed in 1915, at which time the Building Code required a side yard clearance of 10 feet and a front yard setback of 50 feet from the center of the street.

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The petitioner is requesting a variance to raise the porch roof approximately 3 feet and to enclose and expand the existing front porch which is 24.5 feet by 8 feet by adding a 1 foot by 8 foot extension to each side. The new dimensions of the porch would be 26.5 feet by 8 feet. Said porch would have a minimum front setback of 17 feet and a minimum left side yard clearance of 12.8 feet. The petitioner is also requesting a variance to construct a two-story addition approximately 23 feet by 30.25 feet with a minimum front setback of 28 feet.

A Plot Plan dated February 22, 1990, drawn by John J. Caffrey, Registered Land Surveyor; unsigned construction plans dated 2/27/90; and photographs were submitted.

A letter expressing objection dated March 22, 1990 was received from Mr. and Mrs. Eugene Hile, 38 Damien Road.

The Planning Board, on March 22, 1990, voted to oppose the granting of the variance.

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 both the enclosure of the expanded porch which would include the raising of the porch roof and the proposed two-story addition conform to the present lines of the house and do not alter the relationship of the house to either the front lot line or the left side lot line.

It is the further 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 both to enlarge and enclose the existing front porch, including raising of the porch roof approximately 3 feet; and to construct the proposed addition subject to construction in accordance with the Plot Plan and construction plans as submitted and noted in the foregoing Statement of Facts.

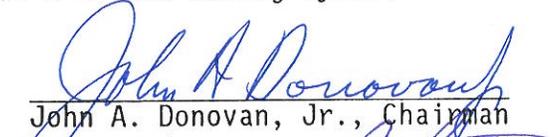
The Inspector of Buildings is hereby authorized to issue a permit for construction upon his receipt and approval of a building application and construction plans.

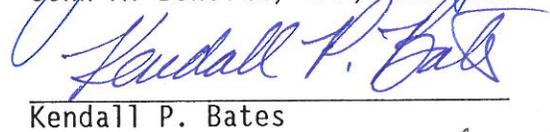
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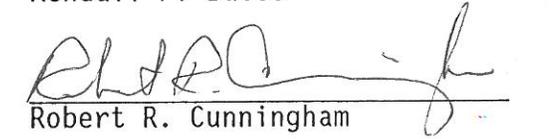
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

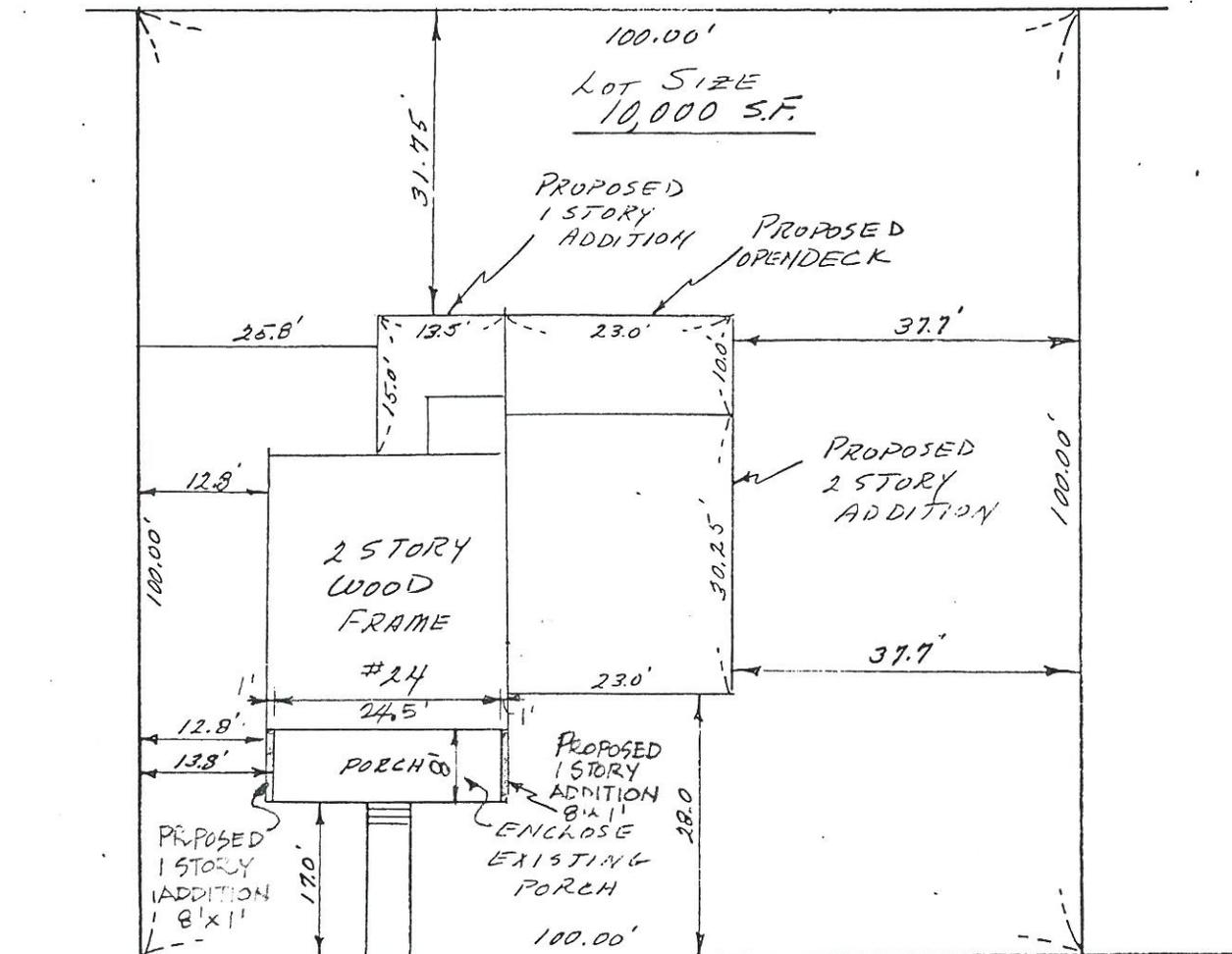
cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

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DAMIEN ROAD

TOTAL GROUND COVER

= 2,088.56 S.F.

% GROUND COVER

= 20.89%

PLOT PLAN OF LAND

IN

WELLESLEY, MASS

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

MAR 5 10 29 AM '90

Scale: 1" = 20'
J.J. Caffrey, P.L.S.

February, 22 1990
Weston, Mass.

