

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATESELLEN D. GORDON
Executive Secretary
Telephone
431-1019JUN 14 9 19 AM '90
RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181ZBA 90-39
Petition of Gregory and Susan Sandomirsky
19 Cunningham Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 24, 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 GREGORY AND SUSAN SANDOMIRSKY requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow the construction of a second-story addition, approximately 11.02 feet by 19.85 feet, above an existing den, which would include raising the ridge line of the den roof approximately 9 feet, at their non-conforming dwelling at 19 CUNNINGHAM ROAD, in a Single Residence District, with less than the required left side yard.

On May 7, 1990, the petitioners filed a request for 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 Gregory Sandomirsky, who stated that they wished to enlarge the master bedroom and bathroom and that there would be no further encroachment resulting from the addition.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 19 Cunningham Road, in a Single Residence District, on a 14,540 square foot lot, with a minimum left side yard clearance of 17.25 feet.

The petitioners are requesting a variance to construct a second-story addition over an existing den, approximately 19.85 feet by 11.02 feet, which will include raising the den roof approximately 9 feet to accommodate said addition. The footprint of the house will not change, which will leave a minimum left side yard clearance of 17.25 feet.

A Plot Plan dated March 30, 1990, drawn by Joseph A. Bodio, Registered Land Surveyor; unsigned construction drawings and elevations dated April 24, 1990; and photographs were submitted.

The Planning Board, on May 15, 1990, voted to offer no objection to the request.

Decision

This Authority has made a careful study of the evidence presented. The subject dwelling does not conform to the current Zoning Bylaws as noted in the foregoing Statement of Facts.

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It is the opinion of this Authority that the proposed second-story addition conforms to the present lines of the house and does not alter the relationship of the house to the left 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.

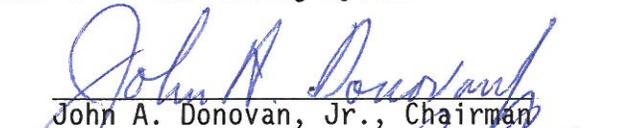
Therefore, the requested variance is granted to construct a second-story addition and to raise the existing den roof approximately 9 feet in order to accommodate said addition subject to construction in accordance with the Plot Plan and construction drawings as submitted and noted in the foregoing Statement of Facts.

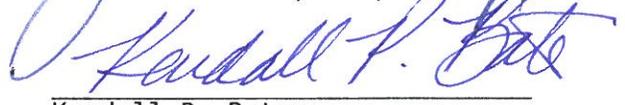
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

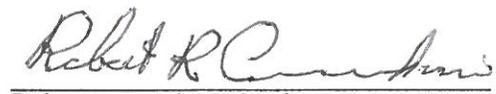
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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

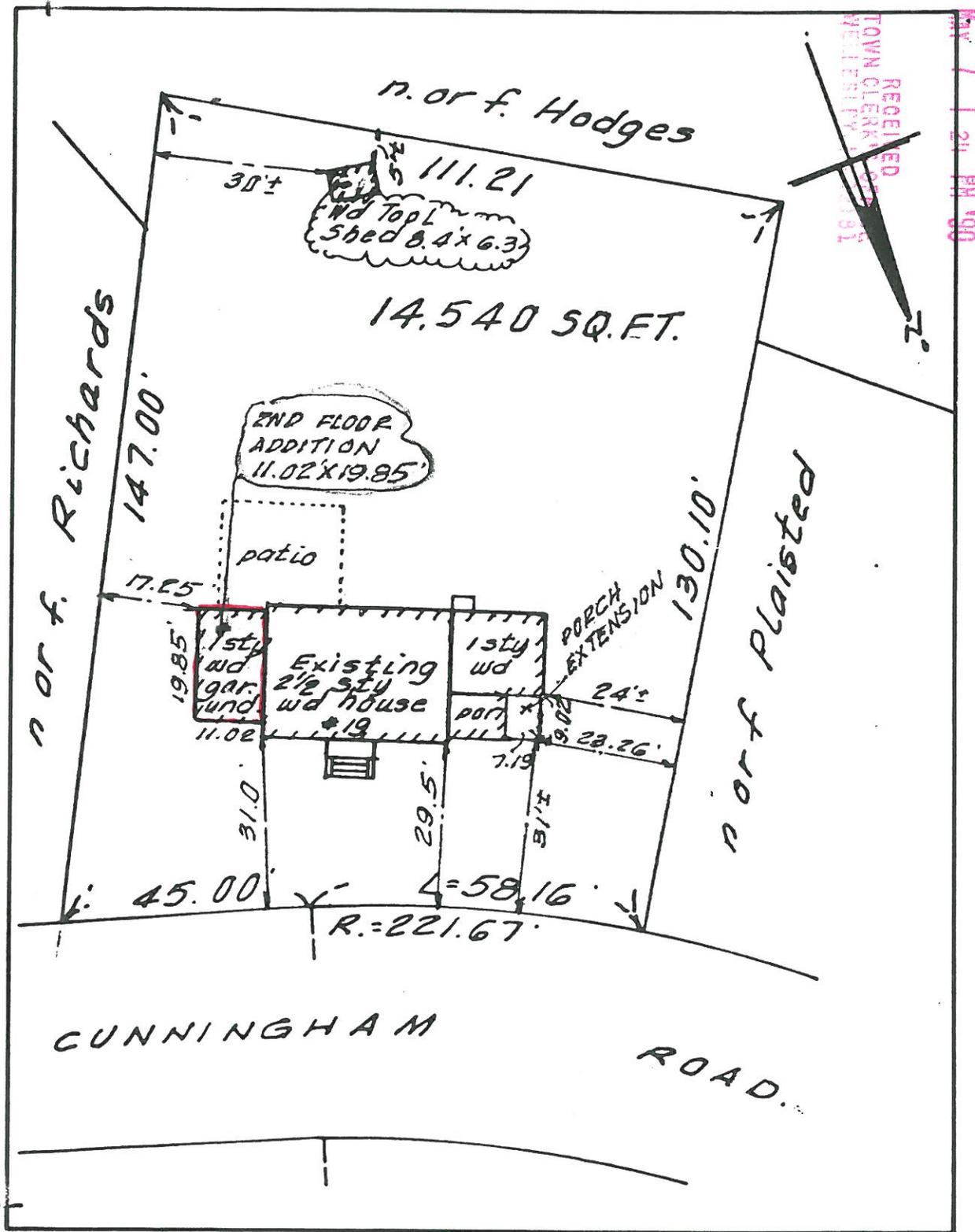

Kendall P. Bates


Robert R. Cunningham

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CERTIFIED PLOT PLAN



MAR 30 1990

Date

Joseph A. Bodio
Reg. Land Surveyor
APR 13 1990

BARNES ENGINEERING COMPANY, INC.
CIVIL ENGINEERS
411 LEXINGTON STREET

