



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
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ZBA 90-46
Petition of Joseph and Karen Perdoni
6 Francis 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 JOSEPH AND KAREN PERDONI 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 20.8 feet by 22 feet above their existing garage, which would include raising the ridge line of the garage roof approximately 8 and 1/2 feet, at their non-conforming dwelling at 6 FRANCIS 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 were Karen and Joseph Perdoni. Mrs. Perdoni stated that their home is very old with small bedrooms and inadequate closet space. There is a need for expanded living space. The addition would consist of a bedroom, bath and closet space.

Mr. Perdoni said that the addition will not provide further encroachment; it will go up 8 and 1/2 feet above an existing garage, the location of which had been allowed by the Board of Appeals several years ago.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 6 Francis Road, in a Single Residence District, with a minimum left side yard clearance of 10.5 feet. In 1986, the Board of Appeals granted a variance to remove a pre-existing non-conforming detached garage and attach it to the dwelling, maintaining the same dimensions and the same left side line setback of 10.5 feet (ZBA 86-30).

The petitioners are now requesting a variance to construct a second-story addition above the existing attached garage, approximately 20.8 feet by 22 feet, which would include raising the ridge line of the garage roof approximately 8 and 1/2 feet. The building footprint would remain the same, as would the minimum left side yard clearance of 10.5 feet.

A Plot Plan dated September 19, 1988, drawn by Carmelo Frazetti, Registered Land Surveyor; construction plans and elevations dated May 1, 1990, drawn by Marshall Audin; and photographs were submitted.

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The Planning Board, on May 15, 1990, voted to oppose the petition as it represents a substantial encroachment on the side lot line.

Decision

This Authority has made a careful study of the evidence presented. The subject dwelling 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 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 petitioners and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

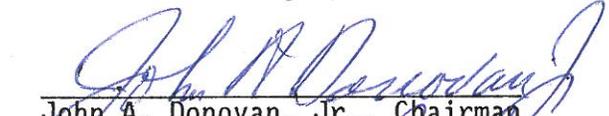
Therefore, the requested variance is granted to construct a second-story addition subject to construction in accordance with the Plot Plan and construction plans as submitted and noted in the foregoing Statement of Facts.

The Inspector of Buildings is hereby authorized to issue a permit for 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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