



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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

ELLEN D. GORDON  
Executive Secretary  
Telephone  
431-1019

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WELLESLEY, MA 02181

SEP 19 11 22 AM '90

WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCK

ZBA 90-67

Petition of Maria H. and John C. Heywood  
23 Abbott Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, August 30, 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 MARIA H. AND JOHN C. HEYWOOD requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to remove an existing deck approximately 6.1 feet by 6.8 feet and replace it with a deck approximately 12.6 feet by 12.8 feet at the rear of their non-conforming dwelling at 23 ABBOTT ROAD, in a Single Residence District, with less than the required right side yard.

On August 13, 1990, 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 were Maria and John Heywood. Mr. Heywood said that they wish to renovate their kitchen and replace the entrance to the kitchen, which is presently a small porch, with the requested deck which will be about 8 feet above ground level as the lot slopes in the rear.

The Board commented that the size of the requested deck was double that of the existing deck. Mr. Heywood agreed, but said that it is an extension of the existing line of the house and is located to allow access from the kitchen to the family room. The closest structure on the abutting property is about 35 feet from the lot line and is screened by bushes and trees.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 23 Abbott Road, in a Single Residence District, on a 9,977 square foot lot with a minimum right side yard clearance of 19.5 feet at the right front corner and 11.1 feet at the right rear corner.

The petitioners are requesting a variance to remove an existing porch approximately 6.1 feet by 6.8 feet and replace it with a deck approximately 12.8 feet by 12.6 feet which would leave a minimum right side yard clearance of 8.5 feet.

A Plot Plan dated July 16, 1990, drawn by Nathan Rossman, Registered Land Surveyor; construction plans and elevations drawn by LightHouse Incorporated; and photographs were submitted.

A letter dated August 25, 1990, in support of the petition, was received from James and Christine Lanagan, 29 Abbott Road, the affected abutting neighbors.

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The Planning Board, on August 21, 1990, voted to recommend that the petition be denied as it represents a substantial encroachment on the inadequate side yard.

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 although the requested deck is an extension of the existing line of the house, the additional 2.6 foot encroachment by the deck into the inadequate side yard, leaving only 8.5 feet between the right rear corner of the deck and the right side property line, is too great to be allowed.

It is the opinion of this Authority that a variance could be granted were the deck to conform to the present lines of the house and not alter the relationship of the house to the right 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 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 at 23 Abbott Road subject to the following conditions:

1. That no part of the proposed deck shall come any closer than 11.1 feet to the right side lot line.
2. That a new plot plan showing the reconfiguration of the deck coming no closer than 11.1 feet from the right side lot line shall be submitted to the office of the Zoning Board of Appeals prior to the issuance of any Building Permit.

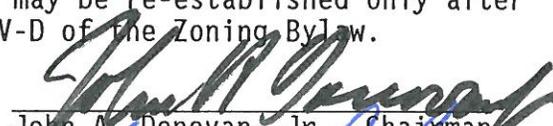
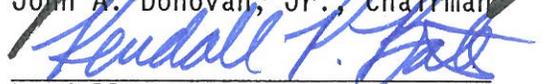
After the above conditions have been met, the Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and new construction plans.

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

ABBOTT

AUG 13 10 53 AM '90

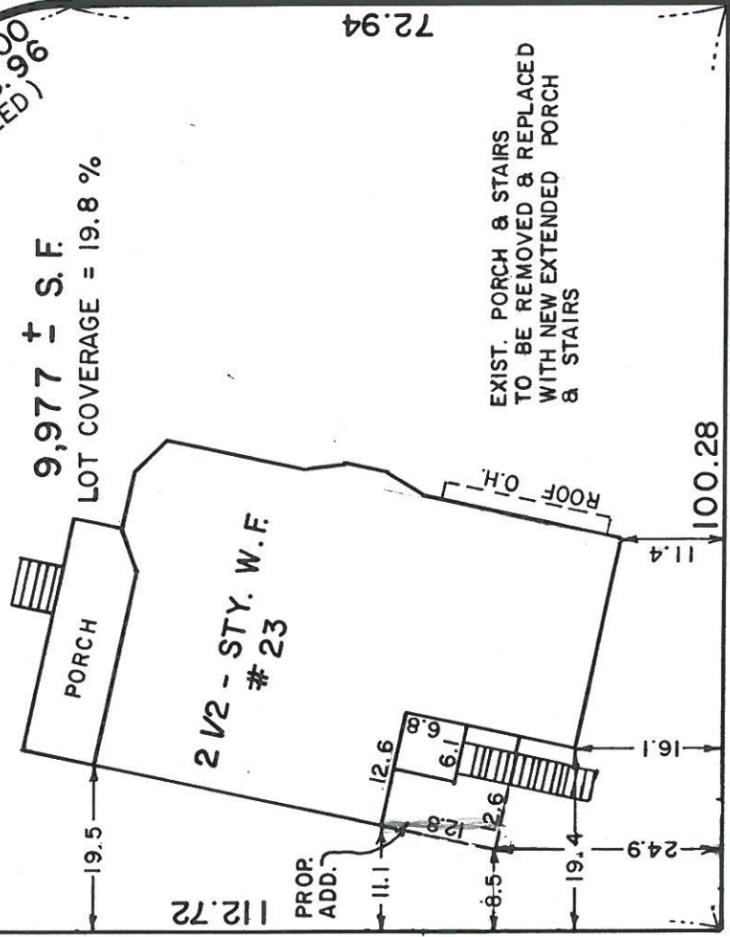
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WELLESLEY, MA 02181

ROAD

R = 1704.45  
L = 88.47

(L=25.02 CALC.)  
R=20.00  
L=26.96  
(DEED)

N/F JAMES J. & CHRISTINE J. LANIGAN



CAROLINE STREET

N/F DAVID M. CENTER

ASSESSORS REF.

MAP, 75 - PARCEL, 52

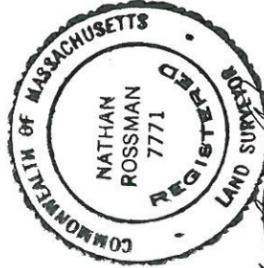
ZONING CLASSIFICATION :

SINGLE RESIDENCE DISTRICT

RECORD OWNER :

JOHN C. & MARIA HELENA  
HEYWOOD  
23 ABBOTT ROAD  
WELLESLEY, MA.

PLAN OF LAND  
IN



*Nathan Rossman*

WELLESLEY, MASS.

SCALE : 1" = 20'  
MASS BAY SURVEY, INC.

JULY 16, 1990  
NEWTON, MASS.

ABBOTT

ROAD

R=1704.45  
L=88.47

(L=25.02 CALC.)  
R=20.00  
L=26.96  
(DEED)

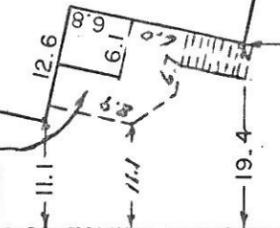
9,977 ± S.F.  
LOT COVERAGE = 19.8 %

PORCH

2 1/2 - STY. W.F.  
# 23

EXIST. PORCH & STAIRS  
TO BE REMOVED & REPLACED  
WITH NEW EXTENDED PORCH  
& STAIRS

PROPR.  
ADD.



100.28

N/F DAVID M. CENTER

CAROLINE STREET

N/F JAMES J. & CHRISTINE J. LANIGAN

ASSESSORS REF.

MAP, 75 - PARCEL, 52

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WELLESLEY, MASS.



*Nathan Kossman*

SCALE : 1" = 20'  
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JULY 16, 1990  
NEWTON, MASS.