



FEB 28 8 57 AM '90

ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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2181

ZBA 90-6  
Petition of John and Kathleen Curley  
86 Wellesley Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, February 15, 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 JOHN AND KATHLEEN CURLEY requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow removal of an existing deck and stairs and construction of a two-story addition, approximately 25.7 feet by 20.1 feet, at the rear of their non-conforming dwelling at 86 WELLESLEY AVENUE/RICE STREET, in a Single Residence District, with less than the required left side yard.

On January 29, 1990, the petitioners requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was John Curley, who said that he and his wife had purchased the house in 1985, at which time the house was large enough for their needs. Since then, two children have been added to the family and more space is required.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 86 Wellesley Avenue and Rice Street, in a Single Residence District, on an 11,828 square foot lot, with a minimum left side clearance of 16.9 feet at the left front corner and 17.5 feet at the left rear corner of the dwelling.

The petitioners are requesting a variance to remove an existing deck and stairs and to construct a two-story addition, approximately 25.7 feet by 20.1 feet at the rear of the dwelling, said addition to have a minimum left side yard clearance of 17.7 feet at the house line and 17.7 feet at the left rear corner.

A Plot Plan dated December 28, 1989, drawn by Robert F. Drake, Registered Land Surveyor; construction drawings and elevations, drawn by Kevin J. Mullin; and photographs were submitted.

The Planning Board, on February 6, 1990, voted to offer no objection to the granting of the 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 two-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, and in fact, presents less of an encroachment on the left side yard than the existing dwelling.

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.

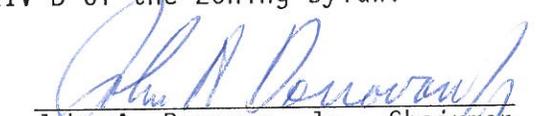
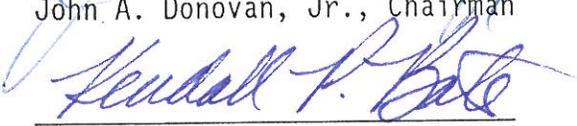
Therefore, the requested variance to remove the existing deck and stairs and to construct the two-story addition at 86 Wellesley Avenue is granted subject to construction in accordance with the Plot Plan and construction drawings as submitted and noted in the foregoing Statement of Facts.

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

  
William E. Polletta

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**SINGLE RESIDENCE**

A = 10,000 sf  
60' FRONTAGE  
SETBACK 30'  
SIDEYARD 20'  
REARYARD 10'

**NOTE:**

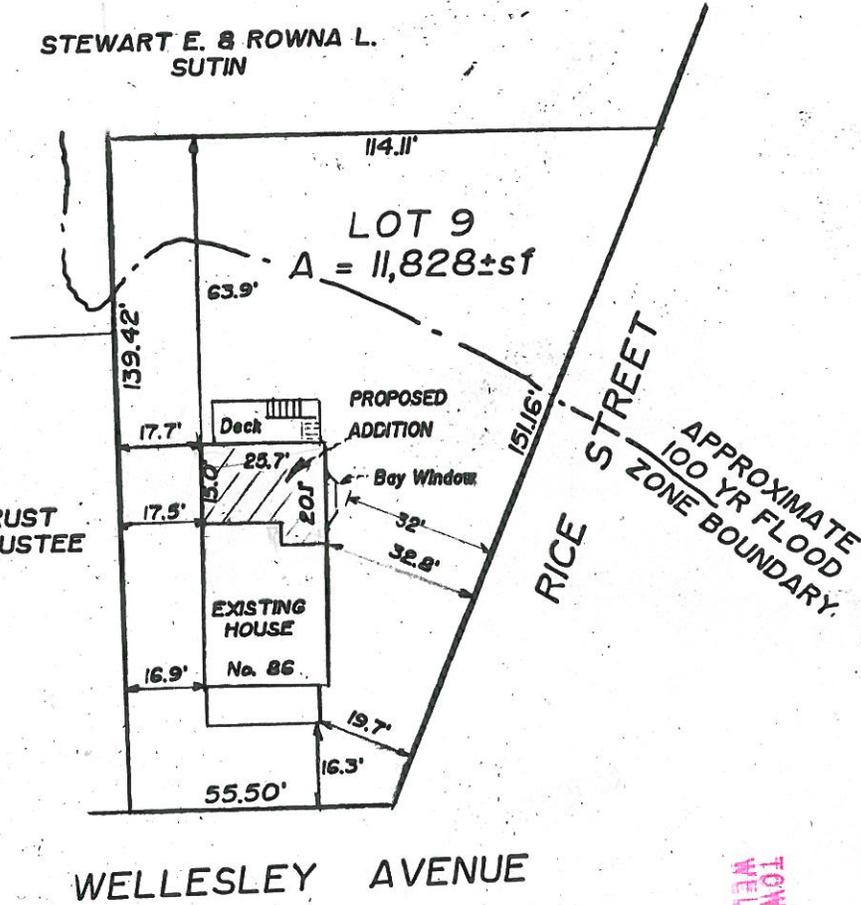
PROPOSED ADDITION DOES NOT CONFORM TO  
20' SIDEYARD REQUIREMENT.

STEWART E. & ROWNA L.  
SUTIN

LOT 9

A = 11,828±sf

STAFER REALTY TRUST  
STEVEN P. STARR, TRUSTEE

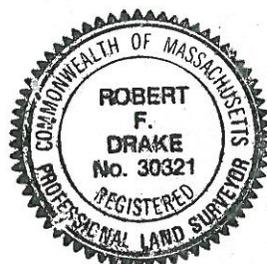


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JAN 29 9 32 AM '90

APPLICANT: JOHN J. JR. & KATHLEEN A. CURLEY

I HEREBY CERTIFY THAT THE LOT(S) SHOWN ON THIS PLAN AND THE BUILDING(S) SHOWN ON SAID LOT(S) ARE LOCATED ON THE GROUND AS SHOWN HEREON.  
ALL VISIBLE EASEMENTS AND ENCROACHMENTS ARE SHOWN HEREON



PLOT PLAN  
IN

WELLESLEY, MASS.

SCALE 1" = 40 FEET

DRAKE ASSOCIATES INC  
770 GROVE STREET  
FRAMINGHAM, MASS.

SIGNED  
DATE

*[Handwritten Signature]*  
DEC 28 1989