



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
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SEP 19 11 55 AM '90
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ZBA 90-73
Petition of Cynthia T. and James R. Peters
49 Leighton 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 CYNTHIA T. AND JAMES R. PETERS requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of a one-story addition approximately 14.6 feet by 12 feet at the right rear corner of their non-conforming dwelling at 49 LEIGHTON ROAD, in a Single Residence District, with less than the required front setback and less than the required left and right side yards. Said addition would have 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 Cynthia and James Peters. Mr. Peters requested approval to build the addition at the back of their house attached to the kitchen. The kitchen is very small, and the addition will allow additional living space in a very small house. The addition is indented from the existing house and approximately 60 to 80 feet from the abutting neighbor, who is in favor of the petition.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 49 Leighton Road, in a Single Residence District, on a 6,675 square foot lot, with a minimum front yard setback of 29.5 feet, a minimum left side yard clearance and a minimum right side yard clearance of 16.3 feet.

The petitioners are requesting a variance to construct a one-story addition approximately 14.6 feet by 12 feet at the right rear corner of the dwelling which would leave a minimum right side yard clearance of 18.5 feet.

A Plot Plan, dated August 6, 1990, drawn by Robert W. Tirrell, Registered Land Surveyor; construction drawings and elevations; and photographs were submitted.

The Planning Board, on August 21, 1990, voted to recommend denial of the petition as it represents over-building on an undersized lot and represents a substantial encroachment on the inadequate side yard.

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Decision

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

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

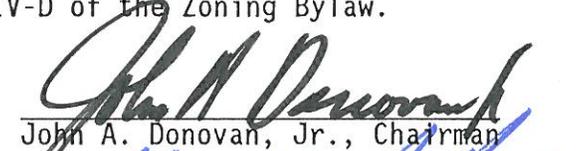
Therefore, the requested variance is granted subject to construction in accordance with the plot plan and construction drawings as submitted and noted in the foregoing Statement of Facts, said addition coming no closer than 18.5 feet from the right side lot line.

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.

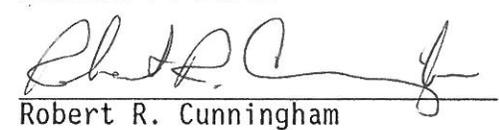
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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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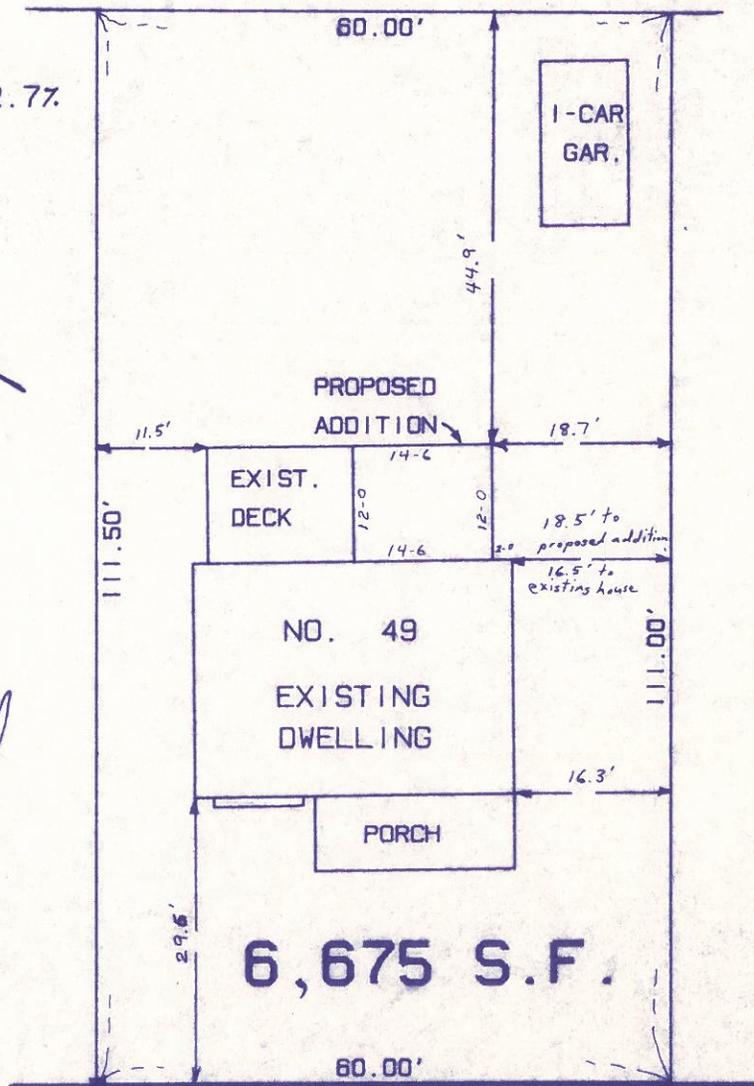
SEP 19 11 16 AM '90

PLAN OF LAND IN WELLESLEY, MASS.

SCALE: 1 IN. = 20 FT. AUGUST 6, 1990

EVERETT M. BROOKS COMPANY
259 WALNUT STREET
NEWTONVILLE, MA 02160

LOT COVERAGE 22.7%



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AUG 13 11 09 AM '90

LEIGHTON ROAD

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