



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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

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ZBA 90-74  
Petition of Barbara T. and Bernard D. Horan  
91 Brook Street

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 BARBARA T. AND BERNARD D. HORAN 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 bay window approximately 5 feet 9 inches by 5 feet 1 inch with a depth of 13 inches, which would leave less than the required left side yard, at their non-conforming dwelling at 91 BROOK STREET, in a Single Residence District, with less than the required left side yard.

On August 13, 1990, the petitioners requested a hearing before this Board and thereafter notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Barbara and Bernard Horan. Mr. Horan said that their house is about 80 years old. They would like to replace two very old double-hung windows with an Anderson angle bay window which will protrude about 13 inches. The window will be installed about 4 feet above the ground. The affected abutters have no problem with the petition.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 91 Brook Street, in a Single Residence District, on a 15,586 square foot lot, with a minimum left side yard clearance of 8 feet.

The petitioners are requesting a variance to install a bay window approximately 5 feet 9 inches by 5 feet 1 inch, which would protrude 13 inches, and would leave a minimum left side yard clearance of 6 feet.

A Plot Plan dated August 8, 1990, drawn by Andrew John Browne, Professional Land Surveyor; a description of construction plans and elevations; and photographs were submitted.

The Planning Board, on August 21, 1990, voted to offer no objection.

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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 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.

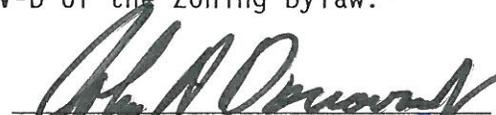
Therefore, the requested variance is granted subject to construction in accordance with the Plot Plan and description of construction as submitted and noted in the foregoing Statement of Facts, said window extending no closer than 6 feet from the left side lot line.

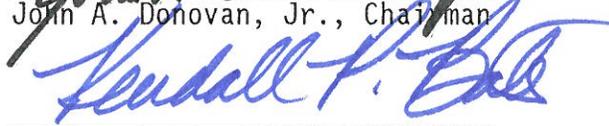
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

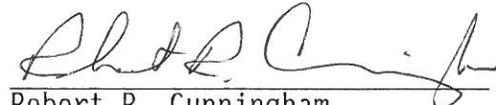
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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

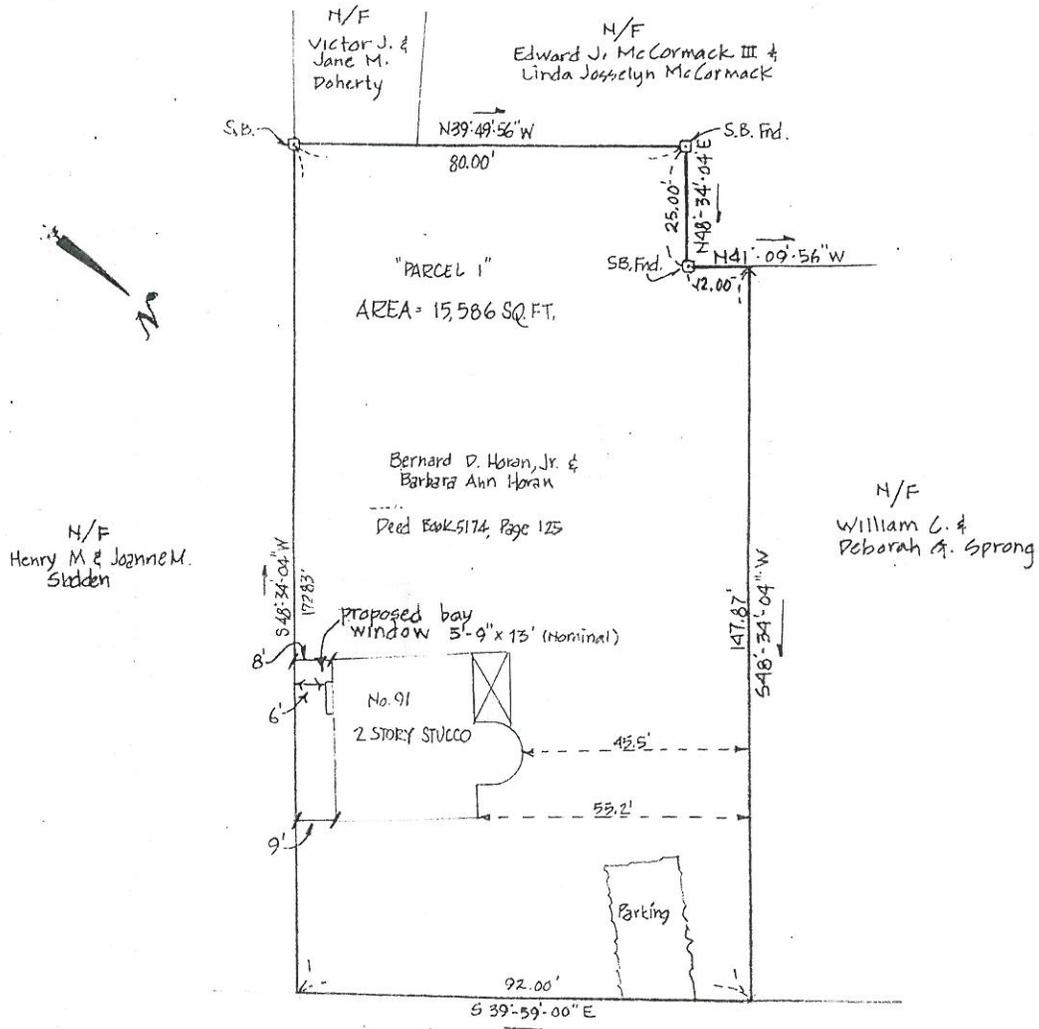
  
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BROOK STREET

THIS IS TO CERTIFY THAT THIS IS  
 A TRUE PLOT PLAN BASED ON  
 FIELD AND RECORD INFORMATION.



*Andrew Browne*  
 REGISTERED PROFESSIONAL LAND SURVEYOR

TITLE: PLOT PLAN	Scale: 1" = 40'-0"
91 BROOK STREET WELLESLEY, MASS.	Date: AUG. 8, 1990



R.E. Cameron & Associates, Inc.

681 WASHINGTON ST. - NORWOOD, MASSACHUSETTS 02062  
 CIVIL ENGINEERS · LAND SURVEYORS