



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 90-75  
Petition of Judith Gregory and Alan Goldin  
23 Howe Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, September 27, 1990 at 8:00 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of JUDITH GREGORY AND ALAN GOLDIN 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 24 feet by 16.25 feet and replace it with a deck approximately 24 feet by 12 feet with a 4 foot by 6 foot extension for a landing as part of stairs at their non-conforming dwelling at 23 HOWE STREET, in a Single Residence District, with less than the required left side yard.

On September 10, 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 was Steve Goldfinger, a relative of Alan Goldin. Mr. Goldfinger read a statement written by the petitioners outlining the request and stating that the new deck would be less non-conforming than the existing deck.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 23 Howe Street, in a Single Residence District, on a 10,200 square foot lot, with a minimum left side yard clearance of 11 feet. The existing non-conforming deck is 24 feet by 16.25 feet with a minimum left side clearance of 17 feet from the left rear corner.

The petitioners are requesting a variance to remove the existing deck and replace it with a deck approximately 12 feet by 24 feet with a 4 foot by 6 foot extension for a landing as part of stairs, which would leave a minimum left side yard clearance of 18 feet from the left rear corner and 17 feet from the front left corner of the proposed deck.

A Plot Plan dated August 7, 1990, revised September 7, 1990, drawn by Joseph R. Sullivan, Registered Professional Surveyor; construction drawings and elevations; and photographs were submitted.

The Planning Board, on September 18, 1990, voted to offer no comment on the petition.

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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, nor does the proposed deck, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed removal of the existing deck and construction of the proposed deck not only conforms to the present lines of the house but is less of an encroachment than the existing house and deck on 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.

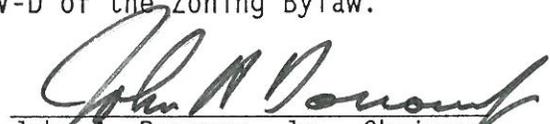
Therefore, the requested variance is granted subject to construction in accordance with the plot plan and construction drawings submitted as noted in the foregoing Statement of Facts. Said deck come no closer than 18 feet from the rear left corner to the left side lot line.

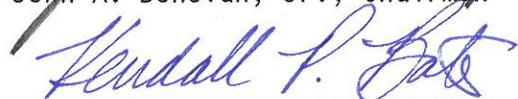
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

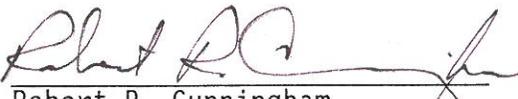
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

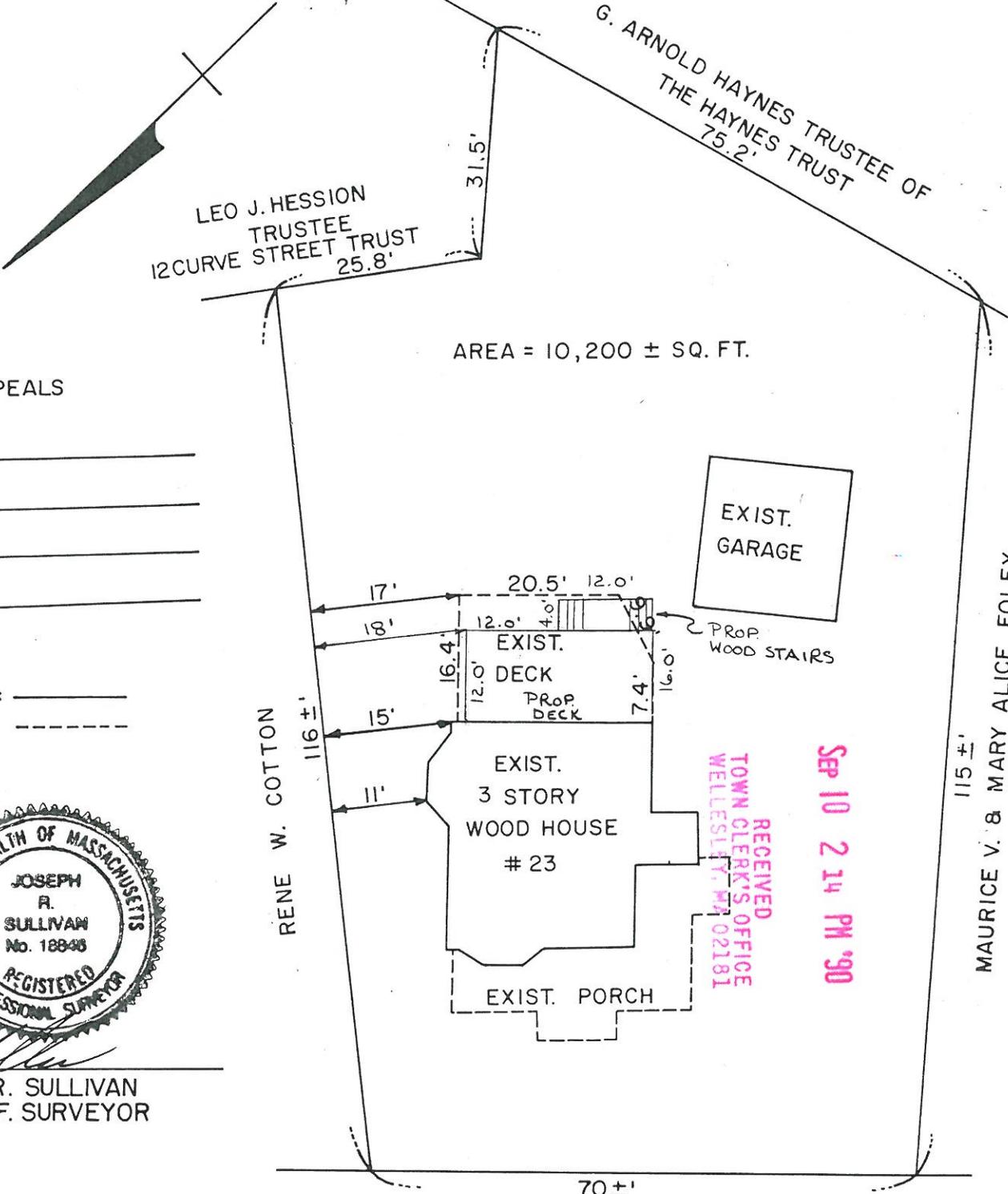
cc: Planning Board  
Inspector of Buildings  
edg

  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

  
Robert R. Cunningham

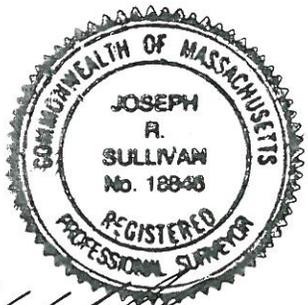
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WELLESLEY BOARD OF APPEALS

DATE : \_\_\_\_\_

PROPOSED DECK : \_\_\_\_\_  
 EXISTING DECK : - - - - -



*Joseph R. Sullivan*  
 JOSEPH R. SULLIVAN  
 REG. PROF. SURVEYOR

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PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY : ALAN S. GOLDIN & JUDITH P. GREGORY

SCALE : 1" = 20'

AUGUST 7, 1990  
 REVISED 9-7-90

PLAN BY : MACCARTHY & SULLIVAN ENGINEERING, INC.  
 209 WEST CENTRAL STREET NATICK, MASS.