



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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WILLIAM E. POLLETTA  
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ZBA 90-79  
Petition of John K. and Lorraine Cross  
28 Appleby Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, September 27, 1990 at 8 p.m. in the Great Hall of the Town Hall, 525 Washington Street, Wellesley, on the petition of JOHN K. AND LORRAINE CROSS, requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow enclosure of an existing non-conforming porch approximately 20 feet by 8.8 feet on the left side of their non-conforming dwelling at 28 APPLEBY ROAD, in a Single Residence District, with less than the required left and right side yards.

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 were John and Lorraine Cross. Mr. Cross said that they wished to enclose their existing screened porch to be used as a playroom for their children, as they do not have a family room. There would be no expansion of the footprint of the house.

No other person present had any comment on the petition.

#### Statement of Facts

The non-conforming dwelling is located at 28 Appleby Road, in a Single Residence District, on a 10,310 square foot lot, with a minimum right side yard clearance of 14.90 feet and a minimum left side yard clearance of 15.63 feet.

The petitioners are requesting a variance to enclose an existing screened porch, approximately 20 feet by 8.8 feet, which has a minimum left side yard clearance of 15.63 feet from the left rear corner.

A Plot Plan dated August 23, 1990, drawn by Stephen P. DesRoche, Registered Professional Land Surveyor; unsigned elevation drawings dated September 4, 1990; and photographs were submitted.

The Planning Board, on September 18, 1990 voted to recommend denial of the petition as the enclosure of the porch would increase the permanency of the non-conformity.

A letter dated September 24, 1990, in support of the petition, was received from Mr. and Mrs. John E. Hellriegel, 24 Appleby Road.

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Decision

This Authority has made a careful study of the evidence presented. The subject porch 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 porch enclosure conforms to the present lines of the house and does not alter the relationship of the house to 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 petitioner and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

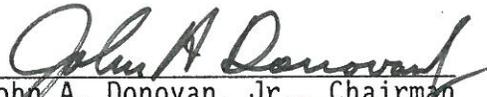
Therefore, the requested variance is granted subject to construction in accordance with the Plot Plan and drawings as submitted and noted in the foregoing Statement of Facts.

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.

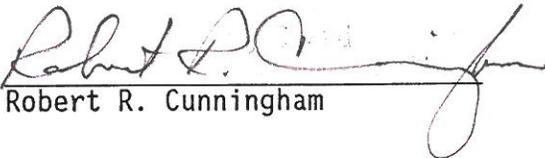
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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

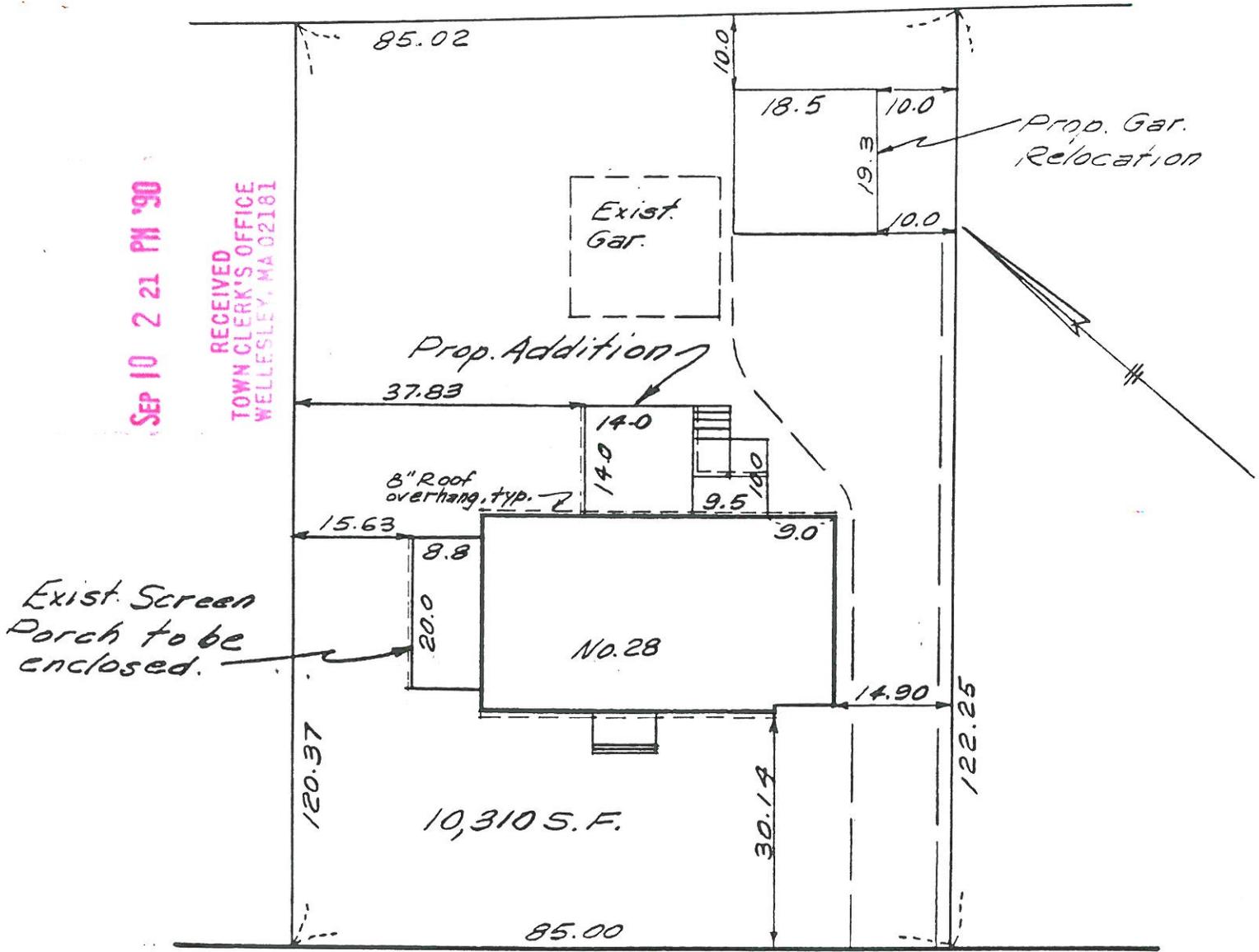
  
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APPLEBY

ROAD

PLAN OF LAND IN  
WELLESLEY, MASS.

SHOWING PROPOSED ADDITION AND RELOCATION  
OF EXISTING GARAGE AT NO. 28 APPLEBY ROAD.  
AUGUST 23, 1990  
SCALE: 1" = 20'

STEPHEN P. DesROCHE  
REG. LAND SURVEYOR



*Stephen P. DesRoche*  
8/27/90