



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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

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Executive Secretary
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WILLIAM E. POLLETTA
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ZBA 91-24
Petition of Nancy Mitchell
15 Bird Hill Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 23, 1991 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 NANCY MITCHELL requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow installation of a bay window approximately 5 feet 11 inches by 6 feet 6.5 inches on the right side of her nonconforming dwelling at 15 BIRD HILL AVENUE, in a Single Residence District, with less than the required right side yard.

On May 6, 1991, the petitioner 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 Nancy Mitchell, who said that she would like to install a bay window to bring light into a dark corner of the house and to give an illusion of space in the kitchen.

No other person present had any comment on the petition.

Statement of Facts

The nonconforming dwelling is located at 15 Bird Hill Avenue, in a Single Residence District, on a 28,401 square foot lot, with a minimum right side yard clearance of 14 feet.

The petitioner is requesting a variance to install a bay window approximately 5 feet 11 inches by 6 feet 6.5 inches with a two foot projection, on the right side of her nonconforming dwelling, which would leave a minimum right side yard clearance of 18.5 feet.

A Plot Plan dated April 16, 1991, drawn by John J. Regan, Professional Land Surveyor; a sketch of the bay window with dimensions, drawn by Young Development Corporation; a floor plan and elevations dated January 7, 1991, drawn by Stephen P. Hamilton, Architect; and photographs were submitted.

The Planning Board reviewed the petition on May 16, 1991 and recommended no objection to granting the variance request.

Decision

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

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It is the opinion of this Authority that the proposed bay window 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 petitioner and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

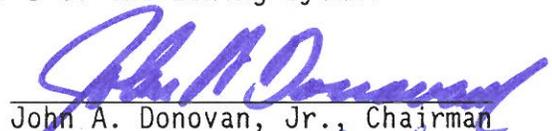
Therefore, the requested variance is granted subject to construction in conformance with the Plot Plan and construction drawings as submitted and noted in the foregoing Statement of Facts.

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.

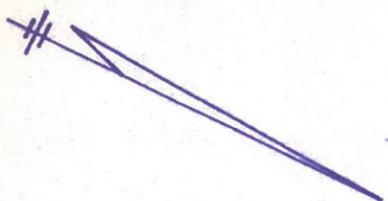
cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

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Clorinda Temple

Adolph & Martha Anna Tutlys

Robert R. & Anne H. Cunningham

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Lot A-2
28,401 s.f.

Eduardo & Cecilia Kausel

46.84

150.00

43.40

75.00

42.12

PLAN OF LAND
IN
WELLESLEY MASS.
TO ACCOMPANY THE PETITION OF
NANCY L. MITCHELL
15 BIRD HILL AVENUE
WELLESLEY

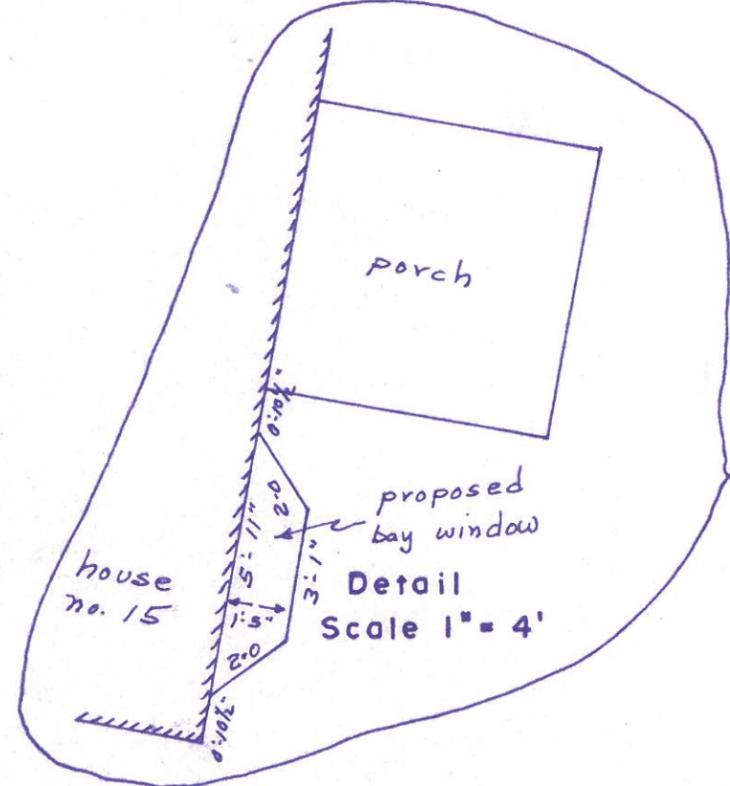
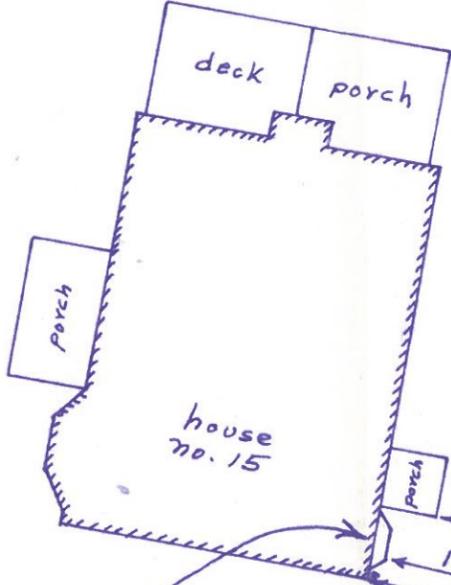
SCALE 1 IN = 20 FT
JOHN J. REGAN
NEWTON HIGHLANDS

APRIL 16, 1991
LAND SURVEYOR
MASS.



John J. Regan

O. Cooper, Jr. & Susan F. Winston
89.85



George J. & Nancy J. Mutrie

136.31

30' RIGHT OF WAY

30.06

BIRD HILL AVENUE

Hans & Jane I. Petschaft
164.44

John J. & Shirley G. Driscoll