



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 X208

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TOWN CLERK  
WELLESLEY, MA 02181

WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCK

ZBA 92-10  
Petition of William J. and Kristi J. Geary  
25 Atwood Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, February 20, 1992 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 WILLIAM J. AND KRISTI J. GEARY 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 deck approximately 38 feet by 13 feet with less than the required right side yard at the rear of their nonconforming dwelling with less than the required right side yard at 25 ATWOOD STREET, in a Single Residence District.

On February 3, 1992, the petitioners requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was William Geary, who said that they are requesting to build a deck at the rear of their house which will tie into an existing porch at the corner previously occupied by porch stairs. The stairs have been removed as they were rotten and unstable. The deck will extend to the exact line of the previous stairs.

No other person present had any comment on the petition.

#### Statement of Facts

The subject nonconforming dwelling is located at 25 Atwood Street, in a Single Residence District, on a 11,400 square foot lot. The dwelling has a minimum right side yard clearance of 9.47 feet.

The petitioners are requesting a variance to construct a deck, approximately 38 feet by 12 feet, which will have a minimum right side yard clearance of 12.30 feet, and will tie into the existing nonconforming porch which extends along the right side of the dwelling.

A Plot Plan dated October 1, 1991, drawn by John J. Regan, Professional Land Surveyor; construction drawings and elevations; and photographs were submitted.

On February 11, 1992, the Planning Board reviewed the petition and voted to offer no objection to the construction of the proposed deck.

#### Decision

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

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It is the opinion of this Authority that the proposed deck conforms to the present lines of the house, and, in fact, will be less of an encroachment into the right side yard than the existing house.

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 to construct the requested deck subject to construction in accordance with the Plot Plan and construction drawings submitted and noted in the foregoing Statement of Facts, said deck coming no closer than 12.30 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 detailed construction plans.

If the rights authorized by a variance are not exercised within a year of the date of grant of said 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

  
Franklin P. Parker

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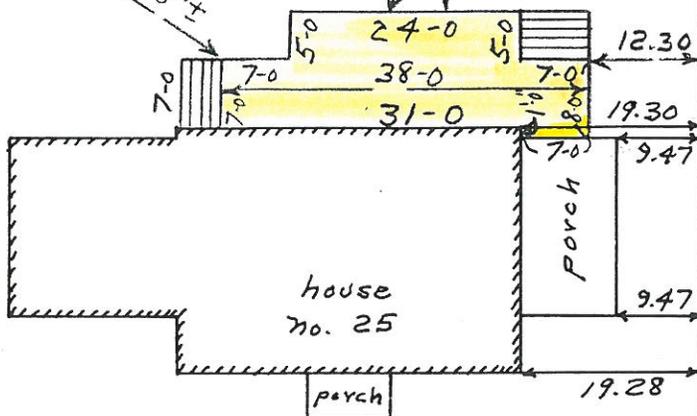
Jane T. Miller

Zografou Panagoula Dan Nguyen

Lot 6  
11,400 s.f.



proposed deck



George J. &  
Eleanor V. Doran

120.00

120.00

95.00

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FEB 3 11 25 AM '92

ATWOOD

STREET

Note:  
Proposed building  
coverage will be  
2288± s.f. or 20%

PLAN OF LAND  
IN  
WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF  
WILLIAM J. & KRISTI J. GEARY  
25 ATWOOD STREET  
WELLESLEY



*John J. Regan*

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

OCT. 1, 1991  
LAND SURVEYOR  
MASS.