



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 93-39

Petition of Thomas R. Parkins and Lisa D. Joachimi
45 Shirley Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 20, 1993 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of THOMAS R. PARKINS AND LISA D. JOACHIMI 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 23 feet by 12 feet at a height of 2 feet at the rear of their nonconforming dwelling at 45 SHIRLEY ROAD, in a Single Residence District. Said deck will have less than the required left side yard setback.

On May 3, 1993, 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 Thomas Parkins, who said that the deck would be only two feet high, and that his left side abutter supports the request. The rear yard is very private and the deck will not be seen from the street.

No other person present had any comment on the petition.

Statement of Facts

The nonconforming dwelling is located at 45 Shirley Road, in a Single Residence District, on a 10,133 square foot lot, with a minimum right side yard clearance of 19.8 feet and a minimum left side yard clearance of 19.9 feet.

The petitioners are requesting a variance to construct a deck approximately 23 feet by 12 feet at a height of two feet at the rear of their nonconforming dwelling. The deck would have a minimum left side yard clearance of 14.4 feet from the left rear corner.

The subject lot has an unusual left side lot line in that the line is horizontal to the street for a distance of 69 feet, then angles sharply to the right for an additional 95.78 feet, so that while the lot has frontage of 75 feet, the rear lot line extends for a distance of only 35.61 feet.

A Plot Plan dated April 27, 1993, drawn by Joesph E. Marcklinger, Registered Land Surveyor; construction sketches and elevations; and photographs were submitted.

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On May 11, 1993, the Planning Board reviewed the petition and voted to offer no objection to the request.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling is nonconforming as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed deck conforms to the existing line of the house, and that the additional encroachment results from the configuration of the left side lot line as noted above.

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.

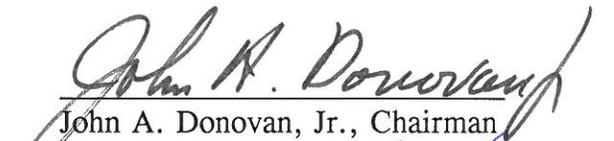
Therefore, the requested variance is granted to construct a deck subject to construction in accordance with the plot plan and construction drawings submitted.

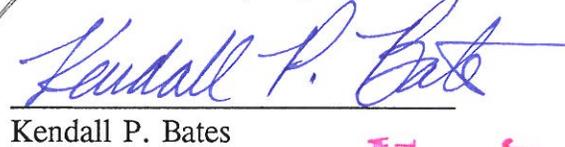
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and detailed construction plans.

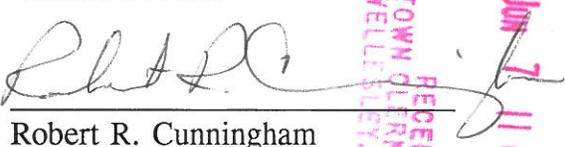
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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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PLAN OF LAND IN WELLESLEY, MASS.

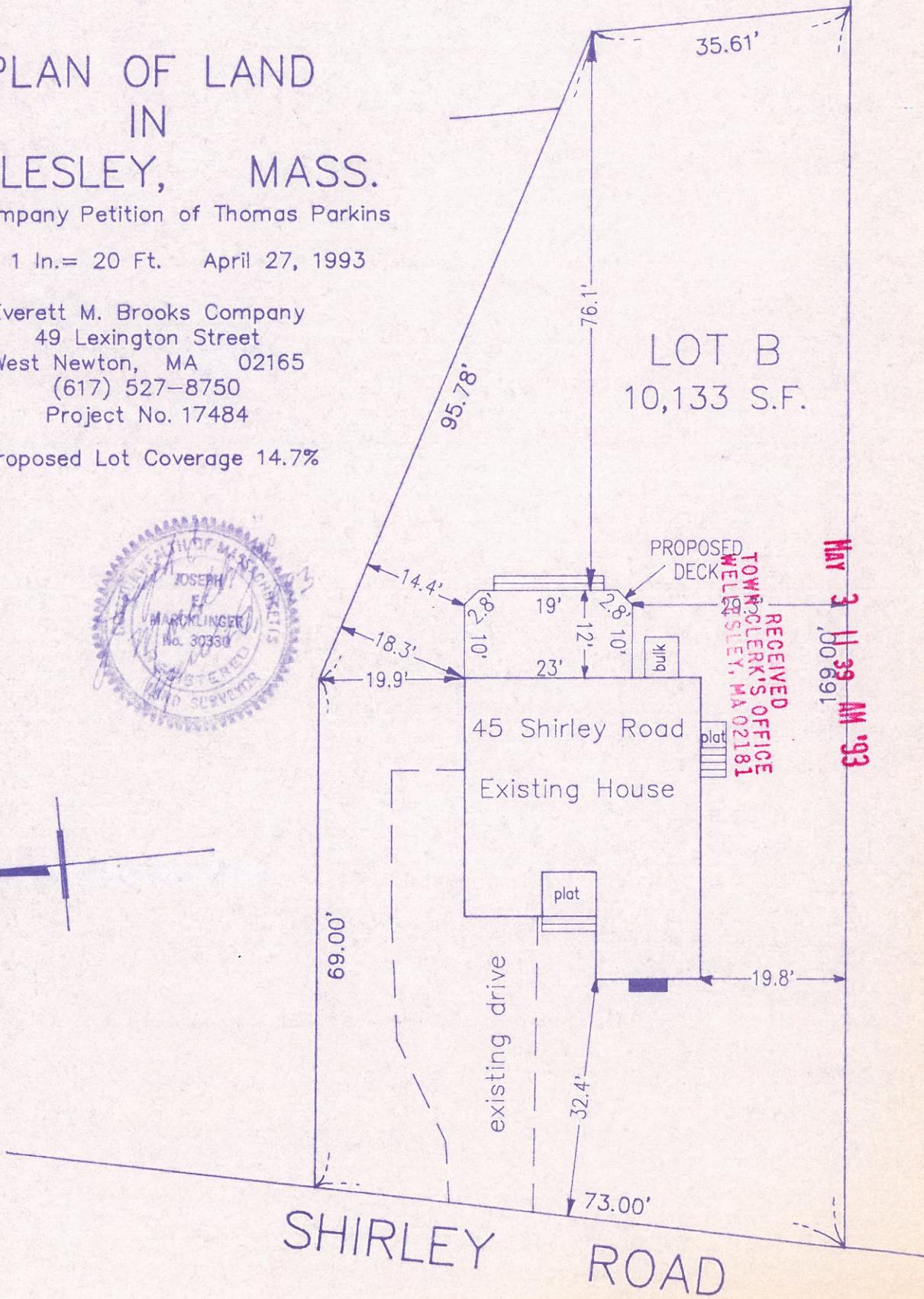
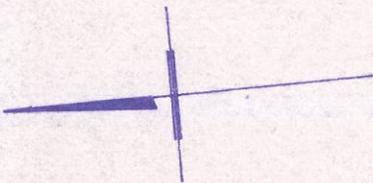
To accompany Petition of Thomas Parkins

Scale: 1 In. = 20 Ft. April 27, 1993

Everett M. Brooks Company
49 Lexington Street
West Newton, MA 02165
(617) 527-8750
Project No. 17484

Proposed Lot Coverage 14.7%

LOT B
10,133 S.F.



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