



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 93-86

Petition of John V. Salvati and Dale E. Morse
28 Bancroft Road

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Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, November 18, 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 JOHN V. SALVATI AND DALE E. MORSE requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow demolition of an existing nonconforming one-story porch and construction of a one-story addition approximately 12 feet by 23 feet 10 inches, including a bay window with a depth of two feet; and a deck approximately 9 feet by 10 feet at their nonconforming dwelling with less than the required left side yard clearance, at 28 BANCROFT ROAD, in a Single Residence District. Both the addition and the deck will have less than the required left side yard clearance.

On November 2, 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 Dale Morse, who was accompanied by her architect, John Tankard. Ms. Morse submitted a letter from her neighbors in support of the petition.

Mr. Tankard showed the Board the first floor plan, and explained the relationship of the rooms in the new addition to the existing first floor. The addition will have a bedroom, bath, and a deck, which is on the first floor level but one story above the back yard. The bay window in the bedroom is cantilevered 4 to 6 feet above the ground. The bay is essential to the future use of the bedroom space.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming dwelling is located at 28 Bancroft Road, in a Single Residence District, and has a minimum left side yard clearance of 13.66 feet.

The petitioners are requesting a variance to demolish an existing one-story porch and construct a one-story addition approximately 23 feet 10 inches by 10 feet with a bay window with a depth of two feet. The addition will have the same minimum left side yard clearance of 13.66 feet as the existing porch, with the exception of the bay window, which will have a

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minimum left side yard clearance of 12.49 feet. A variance is also requested to construct a deck approximately 9 feet by 10 feet at the rear of the addition. The proposed deck will have a minimum left side yard clearance of 15.30 feet.

A Plot Plan dated October 5, 1993, drawn by John J. Regan, Registered Professional Land Surveyor; Floor Plans and Elevations dated October 27, 1993, drawn by John R. Tankard, III, Architect; and photographs were submitted.

On November 9, 1993, the Planning Board reviewed the petition and voted to recommend that the variance be granted.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that, with the exception of the bay window, the proposed addition and deck conform to the existing lines of the house, and do not alter the relationship of the house to the left side line. As the bay window will encroach less than one foot into the left side yard, and will have no foundation beneath it, this Authority is of the opinion that it can be allowed.

It is the opinion of this Authority that, because of the shape and topography 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 one-story addition with a bay window and a deck subject to construction in accordance with the submitted plot plan and construction sketches.

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

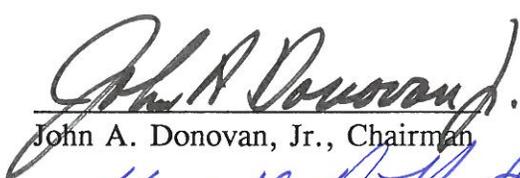
If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

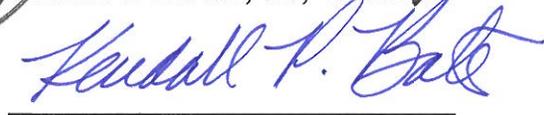
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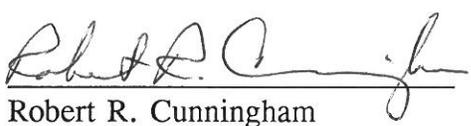
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

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