TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 94-71
Petition of David A. and Maureen G. Newman
7 Fuller Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, October 20, 1994 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 DAVID A. AND MAUREEN G. NEWMAN 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 one-story addition approximately 11 feet by 15 feet, which will have a minimum left side yard clearance, at their nonconforming dwelling with less than the required left side yard setback at 7 FULLER ROAD, in a Single Residence District.

On October 3, 1994, the petitioners filed a request for 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 David Newman, who stated that he had drawn the submitted construction sketches. He said that the corner of the addition had been eliminated so that it would not encroach further than the nonconforming house, and for design purposes.

The Board asked if the left side abutter had any objections. Mr. Newman said that a petition in support of the project had been signed by every property owner on Fuller Road, and had been submitted to the Board.

No other person present had any comment on the petition.

## Statement of Facts

The subject property is located at 7 Fuller Road on an 11,132 square foot lot in a Single Residence District, and has a minimum left side yard clearance of 11.1 feet from the left rear corner of the dwelling.

The petitioners are requesting a variance to construct a one-story addition, approximately 11 feet by 15 feet, which would have a minimum left side clearance of 11.8 feet.

A Plot Plan dated September 23, 1994, drawn by John J. Caffrey, Registered Professional Land Surveyor; Floor Plans and Elevations dated September 23, 1994, drawn by David Newman; and photographs were submitted.

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Letters in support of the project were submitted by Mary Hundert, 8 Fuller Road; Edward and Theresa Christopher, 9 Fuller Road; George Thomas, 15 Fuller Road; Nancy Procknow, 16 Fuller Road; and Christopher and Patricia Dahl, 51 Woodlawn Avenue.

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On October 11, 1994, the Planning Board voted to recommend approval.

## 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 the proposed one-story addition 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 to construct the one-story addition 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 his 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.

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.

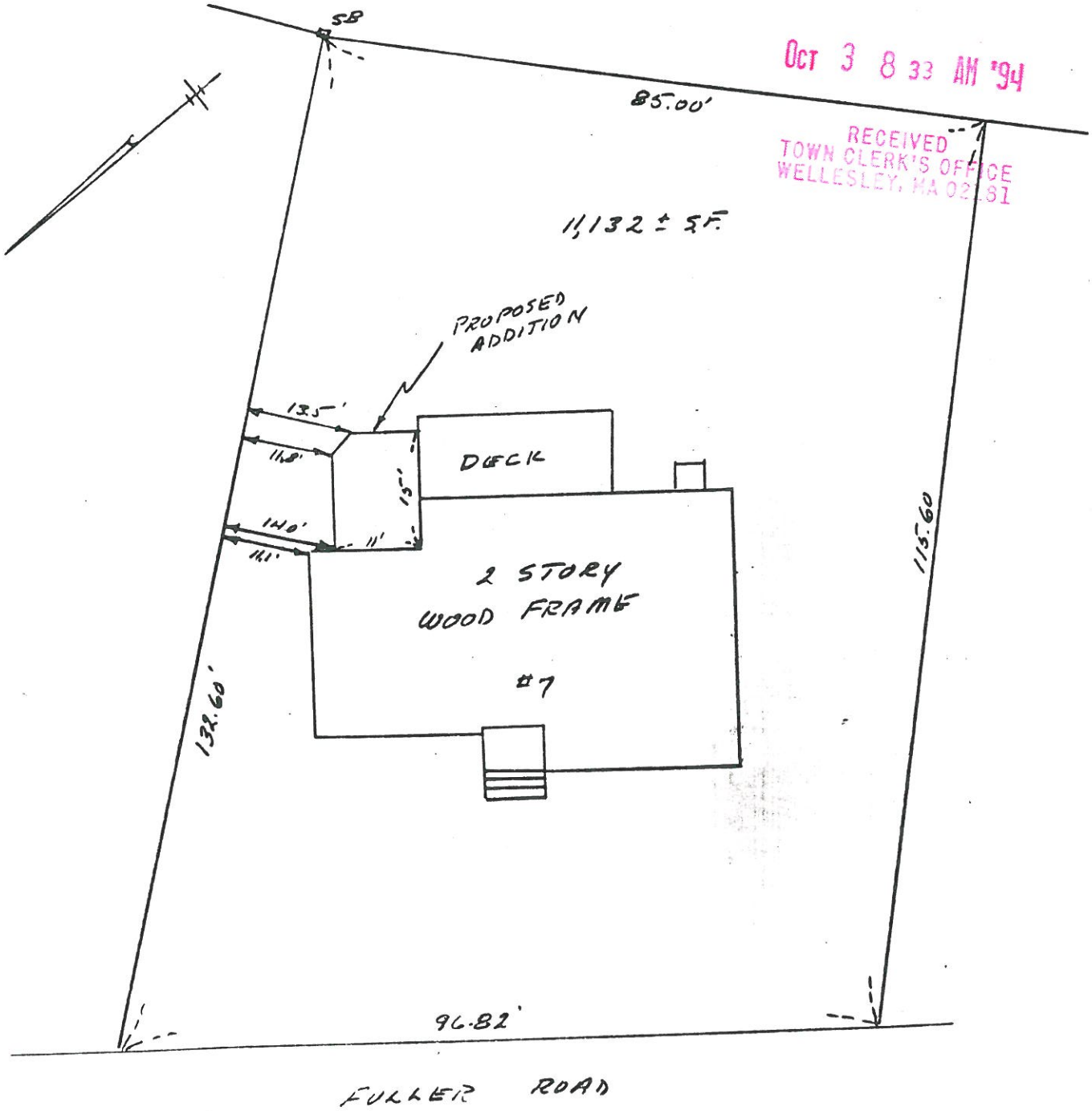
Kendall P. Bates

Kendall P. Bates, Acting Chairman

Robert R. Cunningham

William E. Polletta

cc: Planning Board
Inspector of Buildings

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COMMONWEALTH OF MASSACHUSETTS
JOHN J. CAFFREY
25229
REGISTERED
PROFESSIONAL LAND SURVEYOR

# PLOT PLAN OF LAND
IN
# WELLESLEY, MASS

OWNER: DAVID A. & MADREEN G. NEWMAN

SCALE: 1" = 20'

SEPTEMBER 23, 1994

J.J. CAFFREY, P.L.S.

WESTON, MASS.

PLAN REF: BOOK 1490
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