



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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WELLESLEY, MA 02181  
Oct 28 11 00 AM '94  
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ZBA 94-73

Petition of James E. and Jacqueline G. Brooks  
16 Mellon 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 JAMES E. AND JACQUELINE G. BROOKS, 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 two-story addition approximately 16.2 feet by 26 feet at the right rear corner of their nonconforming dwelling with less than the required right side yard setback at 16 MELLON STREET, in a Single Residence District. Said addition will have less than the required right side yard setback.

On October 3, 1994, 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 James Brooks, who was accompanied by his architect, Paul Cheeks. Mr. Brooks submitted letters in support of the petition signed by Grace Adams, 20 Mellon Road, and Carol Barker, 14 Mellon Road; the right and left side abutters.

Mr. Brooks also submitted a revised plot plan and a simplified site plan, showing that the addition will not encroach any further on the right side line than the existing house. The original plot plan showed the jog in the building to be .5 feet, whereas the jog on the revised plot plan is .7 feet, which will keep the addition within the 13.3 foot right side setback.

Mr. Brooks said that the house has two bedrooms. The addition will provide a third bedroom, one and one-half baths, a kitchen expansion and a family room. The addition will have a full basement.

No other person present had any comment on the petition.

#### Statement of Facts

The subject nonconforming dwelling is located at 16 Mellon Road, on a 19,498 square foot lot, in a Single Residence District, and has a minimum right side yard clearance of 13.3 feet.

The petitioners are requesting a variance to construct a two-story addition approximately 16.2 feet by 26 feet which will have a minimum right side clearance of 14 feet from the front right corner and 13.3 feet from the right rear corner.

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A Plot Plan dated September 21, 1994, drawn by Philip L. Pattison, Registered Land Surveyor; Floor Plans and Elevations dated September 28, 1994, drawn by Paul Checks; and photographs were submitted.

On October 11, 1994, the Planning Board reviewed the proposal and 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 and proposed addition do 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 two-story addition 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 petitioners and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

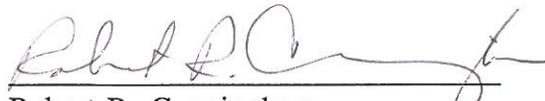
Therefore, the requested variance is granted to construct the two-story addition subject to construction in accordance with the revised plot plan and construction sketches.

The Inspector of Buildings is hereby authorized to issue a permit for 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.

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.

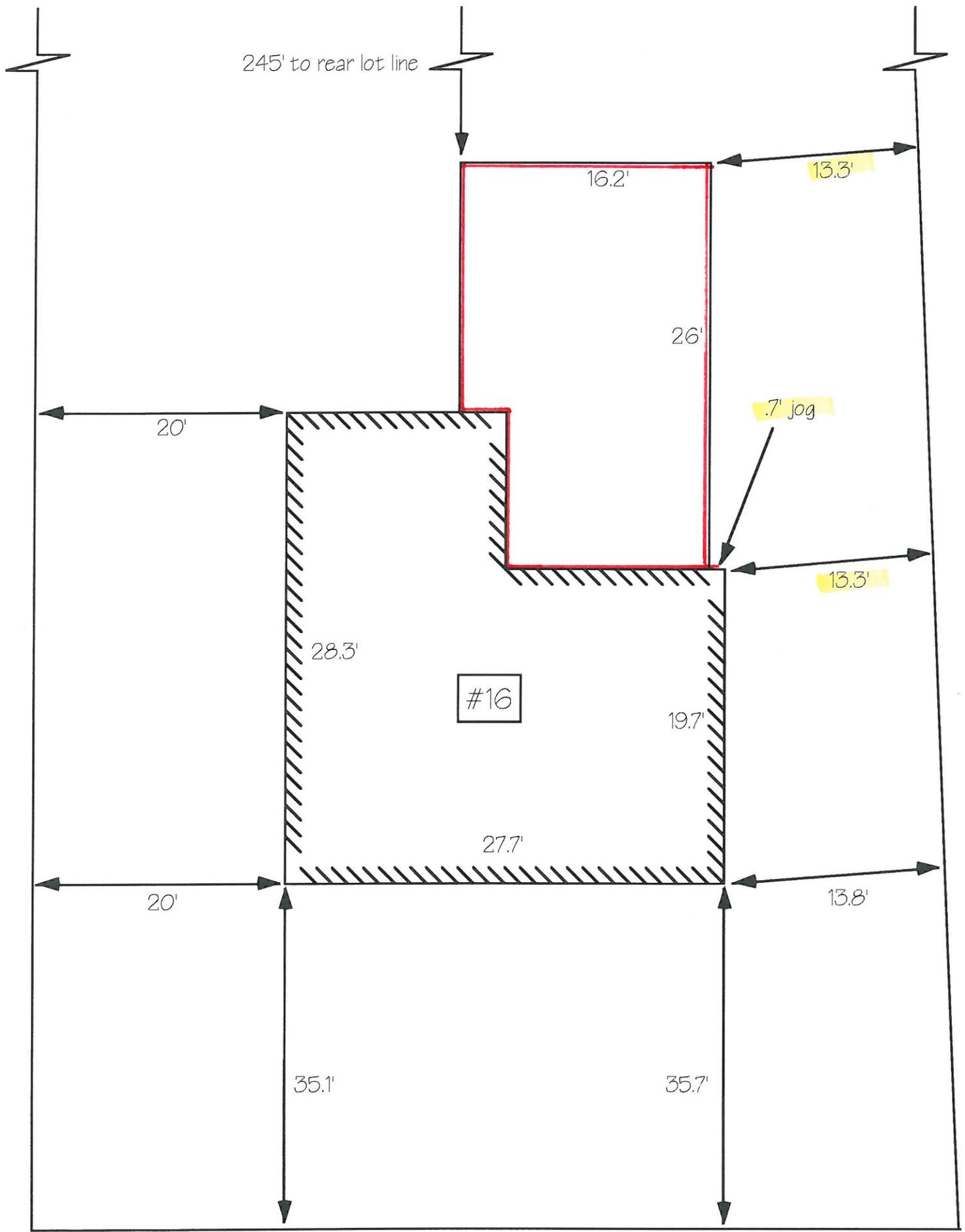
  
Kendall P. Bates, Acting Chairman

  
Robert R. Cunningham

  
William E. Polletta

cc: Planning Board  
Inspector of Buildings  
edg





MELLON ROAD (PUBLIC WAY)