



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 94-76  
Petition of David and Dorothy Celander  
249 Walnut Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, November 17, 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 AND DOROTHY CELANDER 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 foyer and construction of a one-story addition approximately 12.3 feet by 4 feet, with less than the required right side yard, at their nonconforming dwelling, with less than the required right side yard, at 249 WALNUT STREET, in a Single Residence District.

On October 31, 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 Celander, who said that they would like to demolish the existing foyer and construct a one-story addition with a 4 foot by 12.3 foot foundation for a bathroom and a new foyer. The addition would have less than the required right side yard, but would encroach only 6 inches beyond the existing foyer.

The Board noted that the lot was a very difficult one on which to build.

No other person present had any comment on the petition.

#### Statement of Facts

The subject nonconforming dwelling is located at 249 Walnut Street, on a 6,409 square foot lot, in a Single Residence District. The dwelling has a minimum front yard clearance of 19.1 feet, a minimum right side yard clearance of 9.3 feet and a minimum rear yard clearance of .7 feet.

The petitioners are requesting a variance to allow demolition of an existing foyer approximately 3.5 feet by 4.5 feet with a minimum right side yard clearance of 9.3 feet and construction of a one-story addition approximately 4 feet by 12.3 feet which would have a minimum right side yard clearance of 8.8 feet.

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A Plot Plan dated September 27, 1994, drawn by Anthony M. Dellorco, Registered Professional Land Surveyor; Existing and Proposed floor plans and elevations dated 9/15/94, drawn by Brian J. Donahue, Registered Architect; and photographs were submitted.

On November 8, 1994, the Planning Board reviewed the petition and voted to offer no comment.

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 Fact.

It is the opinion of this Authority that because of the irregular 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.

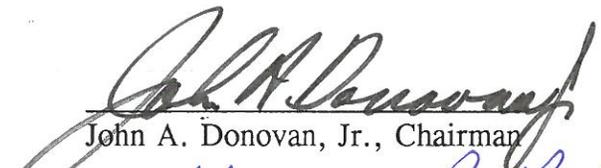
Therefore, the requested variance is granted to construct a one-story addition in accordance with the submitted plot plan and construction drawings, coming no closer to the right side lot line than 8.8 feet.

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.

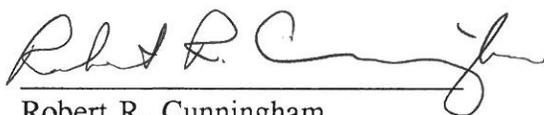
If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

cc: Planning Board  
edg Inspector of Buildings

  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

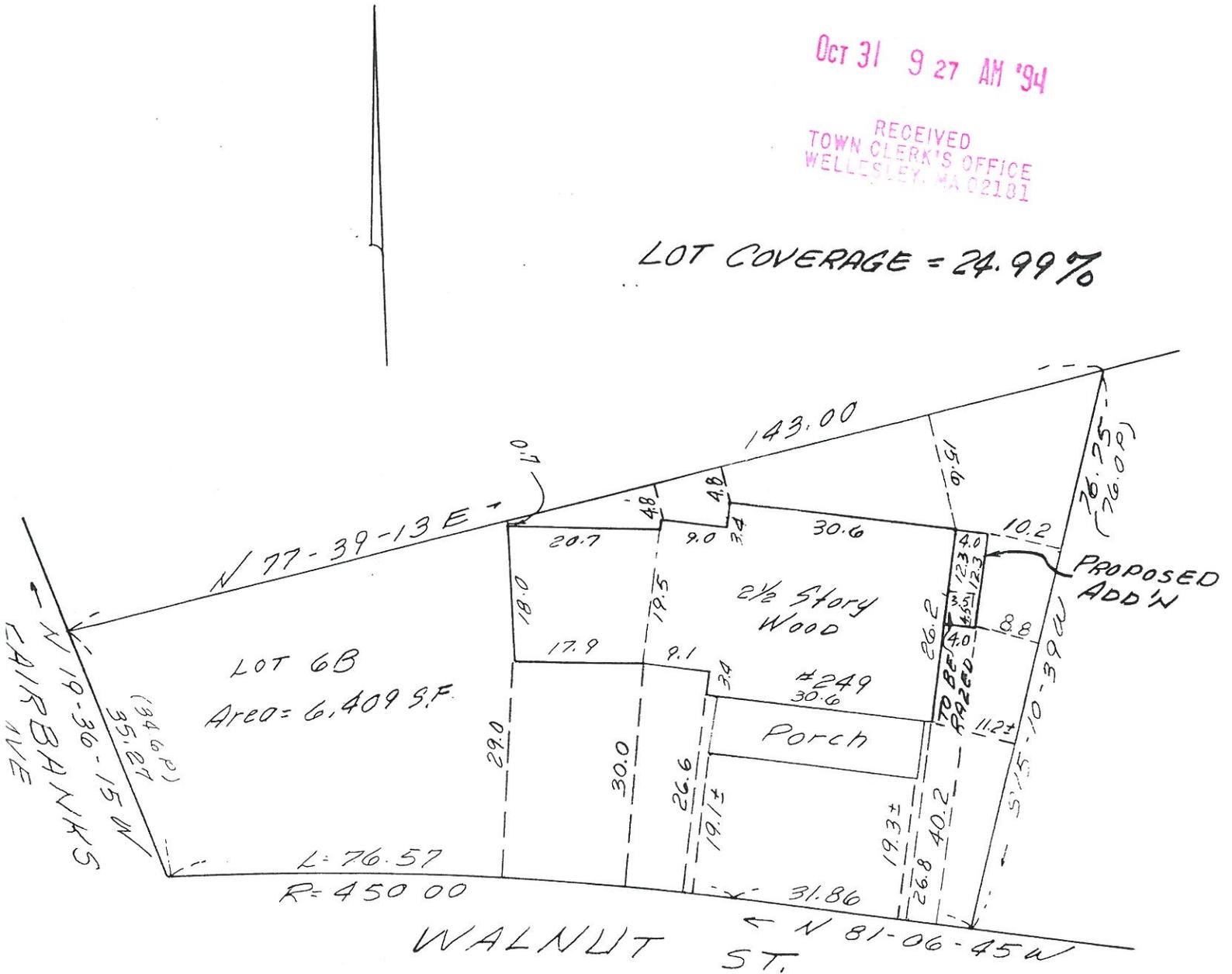
  
Robert R. Cunningham

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MA 01581

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LOT COVERAGE = 24.99%



PLOT PLAN OF LAND  
IN  
**WELLESLEY — MASS.**

SEPT. 27, 1994 SCALE 1" = 20'  
NEEDHAM SURVEY ASSOCIATES, INC.  
281 CHESTNUT ST  
NEEDHAM, MASS.

