



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 95-25

Petition of Brian D. Enright  
10 Roberts Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, March 30, 1995 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 BRIAN D. ENRIGHT requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to construct a 4 foot by 7 foot addition to his conforming deck at the rear of his nonconforming dwelling with less than the required left and right side yard setbacks at 10 ROBERTS ROAD, in a Single Residence District. Said addition would have less than the required left side yard setback.

On March 13, 1995, the petitioner 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 William Picardi, the contractor representing Mr. Enright, who was out of town on business. Mr. Picardi said that he had been employed to construct a redwood deck at the rear of the Enright house coming off of the side porch door, which was the only entrance to the deck. When Mr. Picardi filed for a building permit, he discovered that he had to slide the deck to the right, away from the door, to conform to the 20' setback. Mr. Enright now finds that it is very inconvenient to use the 8 foot ramp to access the deck, and would like to build an infill. The infill for the existing deck would be 16 feet from the left side line; the house is 9 feet from the left side line.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming dwelling is located at 10 Roberts Road, on a 11,603 square foot lot, in a Single Residence District, and has a minimum right side yard clearance of 12.7 feet and a minimum left side yard clearance of 9.5 feet.

The petitioner is requesting a variance to construct a deck addition approximately 7 feet by 4 feet, which would have a minimum left side yard clearance of 16.5 feet.

A Plot Plan dated February 14, 1995, drawn by Robert F. Drake, Registered Professional Land Surveyor; a Deck Plan and Rear Elevation dated February 22, 1995, drawn by Picardi

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Construction Co., Inc.; and photographs were submitted.

On March 28, 1995, the Planning Board reviewed the petition and voted to recommend approval of the petition.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling and proposed deck addition do not conform to the present Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed deck 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 further 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 deck 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.

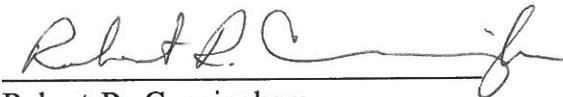
If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

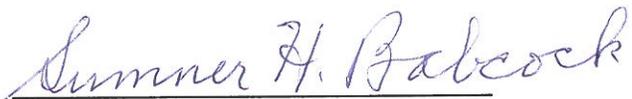
cc: Planning Board  
Inspector of Buildings  
edg



Kendall P. Bates, Acting Chairman



Robert R. Cunningham



Sumner H. Babcock

