



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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FEB 3 8 11 AM '95
 TOWN OF WELLESLEY
 RECORDS OFFICE

ZBA 95-6

Petition of Steven D. and Theresa E. Levy
34 Summit Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 19, 1995 at 8:10 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of STEVEN D. AND THERESA E. LEVY 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 deck approximately 18 feet by 32 feet, which would have less than the required right side yard, at the rear of their nonconforming dwelling with less than the required right side yard at 34 SUMMIT ROAD, in a Single Residence District.

On January 3, 1995, 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 Theresa Levy, who said that they have owned the house for four and a half years. Last summer they renovated the kitchen, which involved changing the rear exit. They would like to construct a deck at the rear of the house. The house is nonconforming, as it is 16.9 feet from the right side line. The deck would be located 17.9 feet from the right side line.

Mrs. Levy said that, following discussion with their right side abutter, they have agreed to add evergreen trees to provide screening for the proposed deck. The Board explained that the agreement had nothing to do with the petition before the Board, and that the Board does not have the authority to require landscaping.

Raibert Copland, 2 Harvard Street, the right side abutter, said that there was an agreement with the Levys regarding the landscaping, and without the agreed upon screening, he would have a problem with the petition.

Statement of Facts

The subject nonconforming dwelling is located at 34 Summit Road, in a Single Residence District, on an 11,740 square foot lot, and has a minimum right side yard clearance of 16.9 feet. The petitioners are requesting a variance to construct a deck approximately 18 feet by 32 feet at the rear of their dwelling, which would have a minimum right side yard clearance of 17.9 feet.

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A Plot Plan dated November 22, 1994, drawn by Philip L. Pattison, Registered Land Surveyor; Elevation and Floor Plans dated 12/20/94, drawn by Kevin Frederick, Hoosier Home Improvement; and photographs were submitted.

On January 10, 1995, the Planning Board reviewed the petition and voted to offer no objection to the request.

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 deck 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 can be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted 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

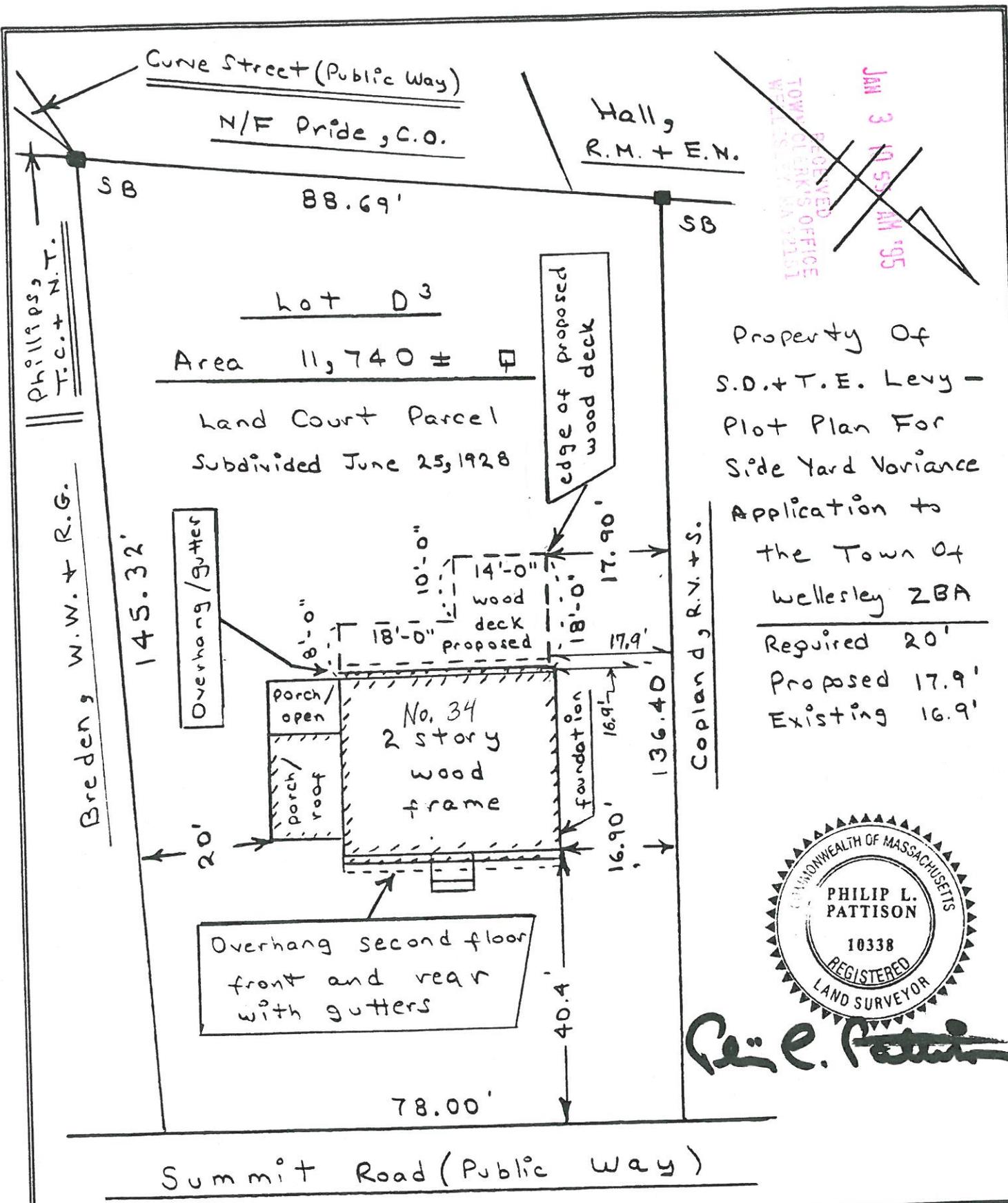


Sumner H. Babcock



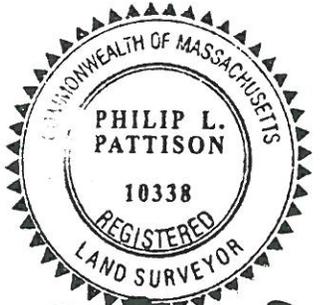
William E. Polletta

FEB 3 8 11 AM '95
TOWN OF WESTPORT
RECEIVED OFFICE
OF THE TOWN CLERK



TOWN ENGINEER'S OFFICE
 WELLESLEY, MASS. 02158
 JAN 3 10 55 AM '95

Property Of
 S.D. + T.E. Levy -
 Plot Plan For
 Side Yard Variance
 Application to
 the Town of
 Wellerley ZBA
 Required 20'
 Proposed 17.9'
 Existing 16.9'



Philip L. Pattison

Owner: Steven D. + Theresa E. Levy
 Address: 34 Summit Road, Wellerley, Mass.
 Date: November 22, 1994
 Scale: 1" = 20' - Principal structure does not,
 nor will the proposed deck lie in a flood hazard zone.

Deed Book: 695 Page: 82
 Title Cert. No.: 139482 (Transfer)
 County: Norfolk
 L.C. Plan 7058A - Sheet 1
 Professional Survey
 Arlington, Mass. 617-646-1839