



## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

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WELLESLEY, MA 02181  
OCT 18 8 49 AM '96  
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ZBA 96-77

Petition of Frederick F. and Helena G. Tripp  
24 Pine Tree Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, November 21, 1996 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 FREDERICK F. AND HELENA G. TRIPP requesting a variance from the terms of Section XVIII and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow the percentage of lot coverage at their property at 24 PINE TREE ROAD, in a Single Residence District, to increase from 24.9% to 28.01% due to the addition of a 12 foot by 14 foot conforming deck.

On November 4, 1996, 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 were Frederick and Helena Tripp. Mr. Tripp said that they would like to add a deck to the rear of their house, which is located in a neighborhood of small lots.

The Board commented that it had a problem with allowing the allowed percentage of lot coverage to be exceeded.

Mr. Tripp said that the deck could not be reduced to conform, as the percentage of lot coverage is presently at 24.9%. Mrs. Tripp added that the house is close to the street, and the property backs up to Diehl's. If the deck is allowed, they could use the back of the property with some privacy.

The Board agreed with the recommendation of the Planning Board that the deck be allowed, but it should never be roofed, and added the further restriction that it should never be enclosed.

No other person present had any comment on the petition.

### Statement of Facts

The subject property is located at 24 Pine Tree Road, in a Single Residence District on a 5,400 square foot lot and contains a dwelling, a detached garage and carport. The total lot coverage is 24.9%. The petitioners are requesting a variance to exceed the allowed lot coverage of 25% by adding a conforming 14 foot by 12 foot deck, which will increase the lot coverage to 28.01%.

A Plot Plan dated September 30, 1996, drawn by George N. Giunta, Registered Land Surveyor; a floor plan and an elevation dated 10/17/96, drawn by Frederick Tripp; and photographs were submitted.

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On November 12, 1996, the Planning Board reviewed the petition and recommended that it had no objection to granting the variance, provided that the deck remains uncovered.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The existing lot coverage of 24.9% of the property conforms to the current Zoning Bylaw. The addition of the proposed 14 foot by 12 foot conforming deck will increase the lot coverage to a nonconforming 28.01%.

It is the opinion of this Authority that the footprint of the existing structures totals approximately 1,350 square feet, and that the additional 468 square feet of the proposed deck, although increasing the percentage of lot coverage to 28.01%, is not excessive, as the total of all structures will be less than 2,000 square feet.

It is the further opinion of this Authority that 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, as voted unanimously by this Authority at the Public Hearing, to construct said deck which will increase the lot coverage to 28.01%, subject to construction in accordance with the submitted plot plan and construction drawings, and subject to the following condition:

1. The 14 foot by 12 foot deck allowed by this variance shall never be roofed or enclosed.

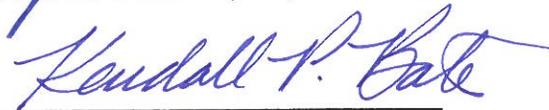
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and detailed construction plans.

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

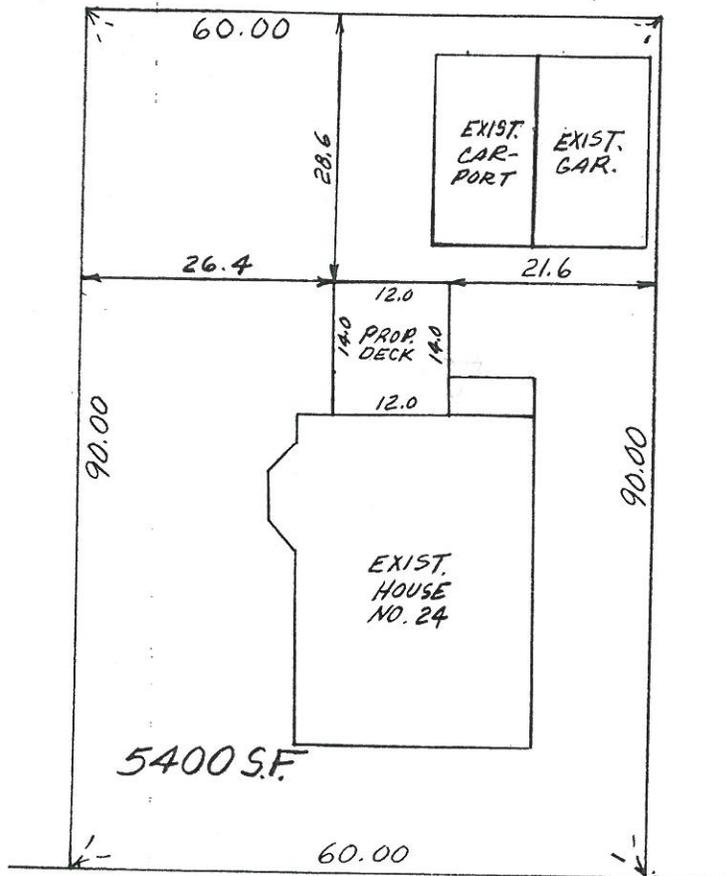
  
William E. Polletta

DEC 9 8 49 AM 1996  
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EXIST. LOT COVERAGE = 24.9 %  
PROP. LOT COVERAGE = 28.01 %

Nov 4 1 04 PM '96

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WELLESLEY, MA 02181



PINE TREE ROAD

PLOT PLAN OF LAND  
IN  
WELLESLEY — MASS.

SEPT. 30, 1996

SCALE 1" = 20'

NEEDHAM SURVEY ASSOCIATES INC.  
281 CHESTNUT ST.  
NEEDHAM, MASS.

