



## ZONING BOARD OF APPEALS

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

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SUMNER H. BABCOCK  
ROBERT A. BASTILLE

ZBA 97-16

Petition of Elizabeth F. Kamio  
75 Curve Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, February 27, 1997 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 ELIZABETH F. KAMIO requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow the construction of a two-story 6.9 foot by 1.6 foot bay window with less than the required rear yard setback at her nonconforming dwelling with less than the required front and rear yard setbacks, at 75 CURVE STREET, in a Single Residence District. There will be an extension of the second story shed dormer to the rear wall of the existing first floor.

On February 10, 1997, 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 Elizabeth Kamio, who said that in the process of doing some renovations to the house, she would like to add a two-story bay window at the back of the house to increase the interior living space. The bay window will be cantilevered, and will not have a foundation. Ms. Kamio added that all the neighbors are supportive.

The Board noted that the bay window would not encroach as far as the existing porch or as far as the detached garage on the rear property line, and that the Planning Board had no comment on the petition.

No other person present had any comment on the petition.

### Statement of Facts

The subject property is located at 75 Curve Street, in a Single Residence District, on a 7,000 square foot lot, and has a minimum rear yard clearance of 5 feet and a minimum front yard clearance of 15 feet.

The petitioner is requesting permission to add a 6.9 foot by 1.6 foot two-story bay window, which will have a minimum rear yard setback of 8 feet. The percentage of lot coverage will be 24%.

A Plot Plan dated 1/24/97, drawn by Philip L. Pattison, Registered Land Surveyor; Floor Plans and Elevations dated 1/21/97, drawn by Jefferson Willets, Registered Architect; and

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photographs were submitted.

On February 25, 1997, the Planning Board reviewed the petition and voted to make no comment on the petition.

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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 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.

This Authority is aware of the proposed amendment to Section XIX of the Zoning Bylaw entitled "Article 3", which would increase the required rear yard setback in a 10,000 square foot district from 10 feet to 18 feet. This amendment has been proposed by the Planning Board and will be voted on at Town Meeting, which begins on March 24, 1997.

It is the opinion of this Authority that should the proposed amendment be passed by Town Meeting, increasing the required rear yard setback on this property to 18 feet, the grant of a variance in this decision shall include a variance from an 18 foot rear yard setback, as well as from the existing requirement of a 10 foot rear yard setback.

The requested variance is granted, as voted unanimously by this Authority at the Public Hearing, to construct a two-story bay window with a minimum rear yard clearance of 8 feet, subject to construction in accordance with the submitted plot plan and construction drawings.

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

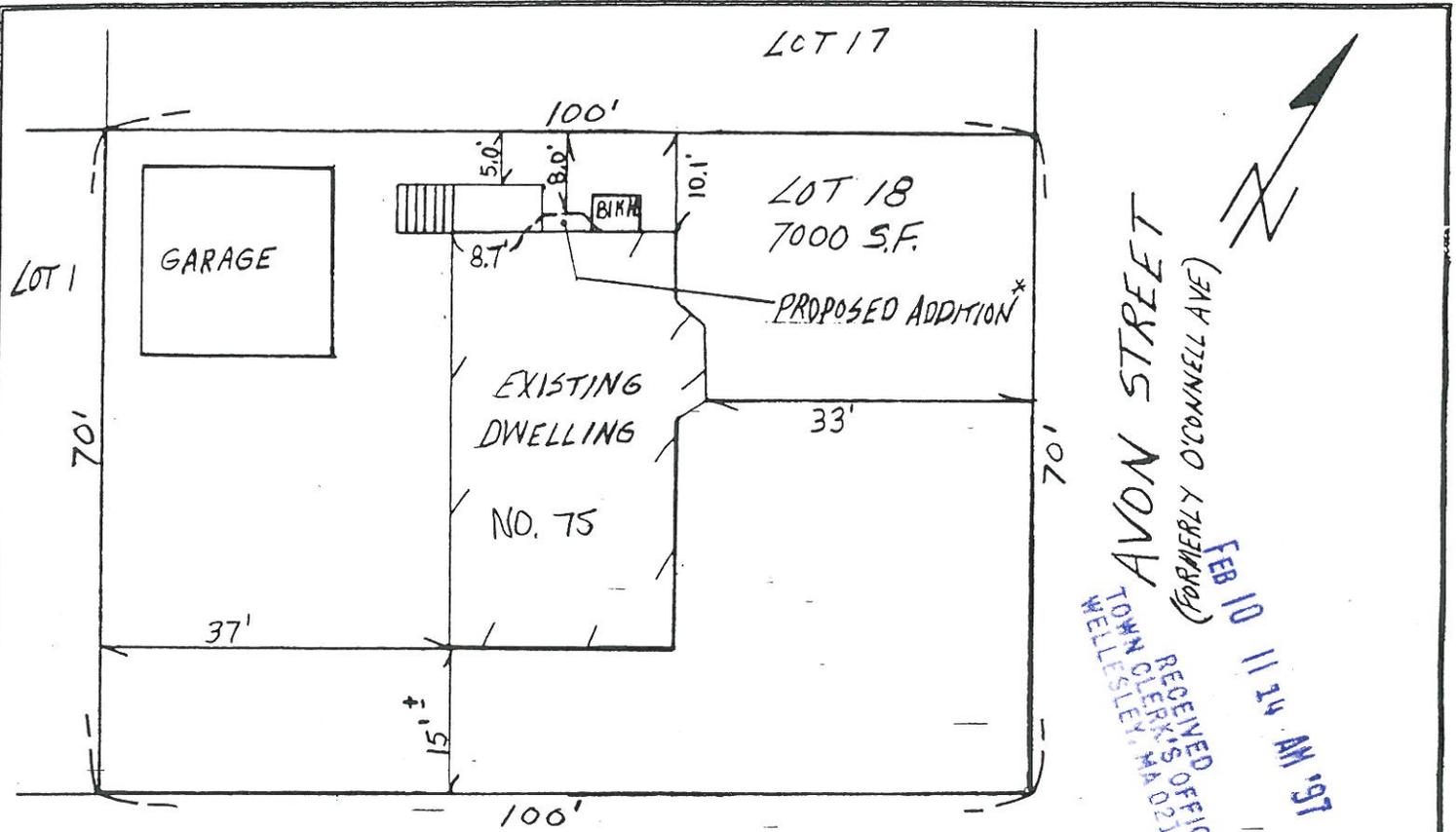


William E. Polletta



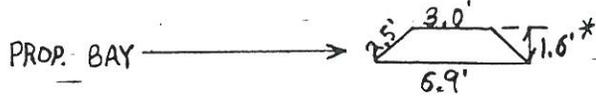
Sumner H. Babcock

cc: Planning Board  
edg Inspector of Buildings



AVON STREET  
 (FORMERLY O'CONNELL AVE)  
 FEB 10 11 AM '97  
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CURVE STREET



\*EVES WILL EXTEND .5' BEYOND  
 2.1' TOTAL

CERTIFIED PLOT PLAN  
 FOR PROPOSED CONSTRUCTION

LOT COVERAGE = 24% (PROPOSED)

\*TWO STORY BAY WINDOW (NO FOUNDATION)



CERTIFIED PLOT PLAN

Building setbacks (if any) shown on this plan are measured from building siding unless otherwise noted.	
This plan is to be used only by the owner listed below, and contains only as much accuracy as is required to obtain a permit for the proposed improvements shown hereon (if any). Setbacks (distances shown from proposed or existing improvements to property lines) cannot be used to establish property lines or to locate fences, landscaping, or any other improvements not shown on this plan.	
Professional Survey is not responsible for takings, easements or conveyances not contained in deed provided (or referenced) by client or by assessor.	
Owner: KAMIO Address: 75 CURVE STREET, WELLESLEY	Deed Book: _____ Page: _____
Date: 1/24/97 Scale: 1" = 20'	County: NORFOLK PROFESSIONAL SURVEY Arlington, MA (617) 646-1839