

**ZONING BOARD OF APPEALS**

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

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WELLESLEY, MA 02181  
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ROBERT A. BASTILLE

ZBA 97-5

Petition of Michael S. and Heather P. Kaminer  
11 Clifton Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 30, 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 MICHAEL S. AND HEATHER P. KAMINER 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 demolition of an existing nonconforming porch and construction of an 18 foot by 18 foot two-story addition which will have less than the required left side yard setback, at their nonconforming dwelling with less than the required left side yard setback, at 11 CLIFTON ROAD, in a Single Residence District.

On January 13, 1997, 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 Michael Kaminer, who said that they would like to demolish their deck and replace it with a two-story addition. The way the house is configured, they cannot go toward the front or the right side, so this is their only option. The addition would extend the left side of the existing house.

The Board noted that the Planning Board had recommended that the addition not extend closer to the lot line than the existing house. Dr. Kaminer said that the addition was an extension of the existing house, but that the lot line moves slightly closer to the house at that point. The difference is only 5 inches. The existing deck actually extends beyond the house, while the addition will be in line with the house.

The Board stated that the submitted plot plan does not show the proposed deck depicted on the construction plans. A new plot plan showing the deck will be required, even though the deck will be conforming.

No other person present had any comment on the petition.

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Statement of Facts

The subject property is located at 11 Clifton Road, in a Single Residence District, on an 8,900 square foot lot, and has a minimum left side yard clearance of 14.2 feet from the existing deck and a minimum front yard clearance of 27.6 feet.

The petitioners are requesting a variance to demolish the deck and construct an 18 foot by 18 foot two-story addition which will have a minimum left side yard clearance of 13.7 feet from the left rear corner.

A plot plan dated 12/30/96, drawn by Ralph Harlow Cole, Registered Professional Land Surveyor; Floor Plans and Elevations dated 10/26/96, drawn by Silverstone Bakalchuk Architects; and photographs were submitted.

On January 23, 1997, the Planning Board reviewed the petition and recommended that the addition should not be allowed to extend closer to the side lot line than the existing house.

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 two-story addition conforms to the present line of the house, and that the additional encroachment of approximately 6 inches can be allowed.

It is the further opinion of this Authority that because of the shape of the lot and 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, as voted unanimously by this Authority at the Public Hearing, to demolish the existing porch and construct the 18 foot by 18 foot two-story addition, subject to construction in accordance with the submitted plot plan and construction drawings, and further subject to the condition that, prior to the issuance of any building permit, a new plot plan must be submitted to the office of the Board of Appeals showing both the allowed two-story addition and the proposed conforming deck.

The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application, detailed construction plans and the receipt of a new plot plan by the office of the Board of Appeals.

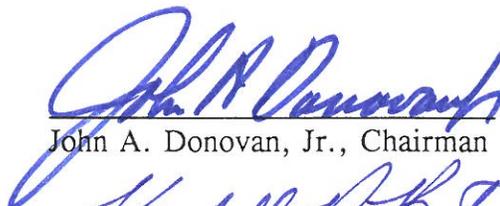
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NEWTON, MA 02459

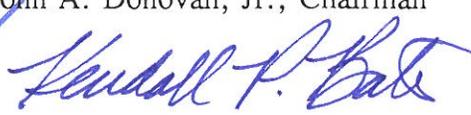
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If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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

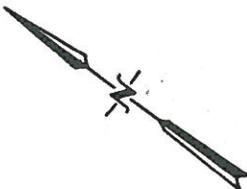
  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

  
Robert A. Bastille

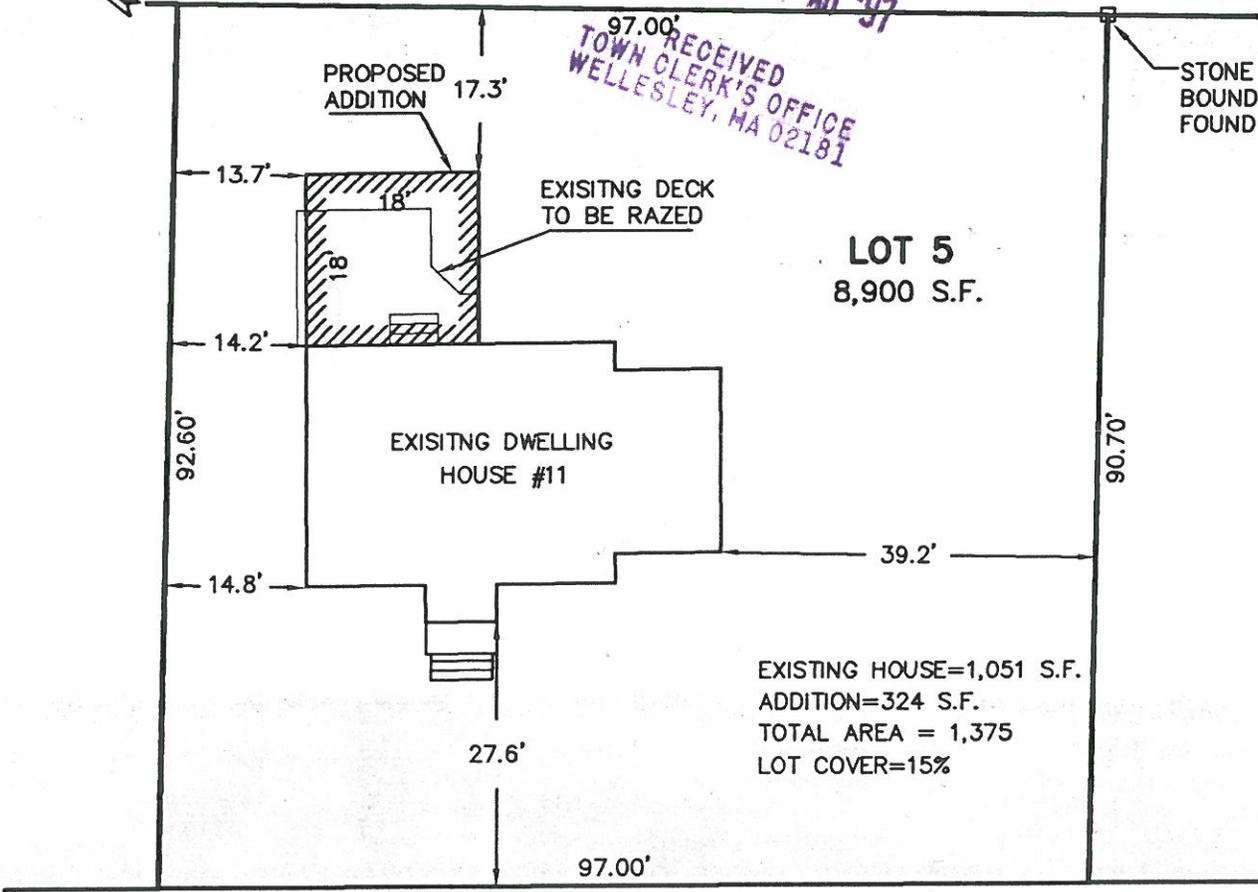
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CLIFTON ( 40' WIDE ) ROAD

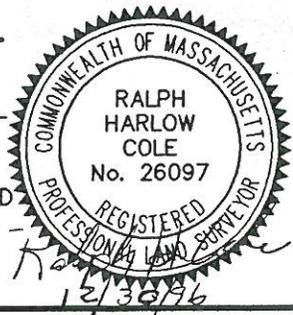
\_\_\_\_\_

DATE \_\_\_\_\_

REG. LAND SURVEY \_\_\_\_\_

ADDRESS 23 HAWLEY ROAD  
SCITUATE, MA  
02066

Scale: 1" = 20'



Daylor Consulting Group Inc.

Ten Forbes Road Braintree, MA 02184 617-849-7070

PLOT PLAN AT  
#11 CLIFTON ROAD  
IN WELLESLEY, MA

PREPARED FOR:  
MICHAEL KAMINER  
11 CLIFTON ROAD  
WELLESLEY, MA.