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WELLESLEY, MA 02181**ZONING BOARD OF APPEALS**

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

NOV 10 2 06 PM '97

JOHN A. DONOVAN  
KENDALL P. BATES  
WILLIAM E. POLLETTAELLEN D. GORDON  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 431-1019 EXT. 208SUMNER H. BABCOCK  
ROBERT A. BASTILLE

ZBA 97-90

Petition of James W. and Nancy L. Walsh  
43 Woodlawn Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, October 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 JAMES W. AND NANCY L. WALSH 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 9.5 foot by 4 foot bay window with a depth of 1.25 feet, 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 43 WOODLAWN AVENUE, in a Single Residence District.

On October 14, 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 were Jim and Nancy Walsh. Mr. Walsh said that they are requesting a variance to install a bay window on the kitchen wall. The kitchen is very dark, and the wall which will contain the bay window is the only exterior wall in the kitchen.

The Board noted that the Planning Board had no objection to the variance.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 43 Woodlawn Avenue, in a Single Residence District, on a 13,535 square foot lot, and has a minimum left side yard clearance of 18.1 feet.

The petitioners are requesting a variance to install a 9.5 foot by 4 foot bay window with a depth of 1.25 feet, which will have a minimum left side yard clearance of 16.9 feet.

A plot plan dated September 22, 1997, drawn by Paul J. Sawtelle, Registered Land Surveyor; Elevation and Window Detail dated 9/27/97, drawn by Thomas L. Morganstern; and photographs were submitted.

On October 21, 1997, the Planning Board reviewed the petition and had no objection to the granting of the request.

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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 petition and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

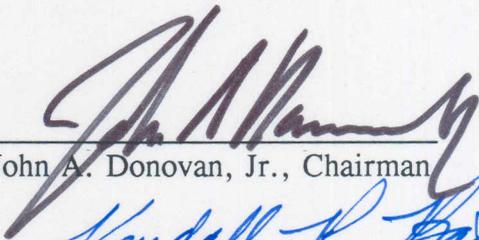
Therefore, the requested variance to construct the 9.5 foot by 4 foot bay window with a depth of 1.25 feet is granted, as voted unanimously by this Authority at the Public Hearing, subject to construction in accordance with the submitted plot plan and construction drawings.

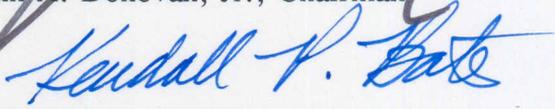
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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 reinstated 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

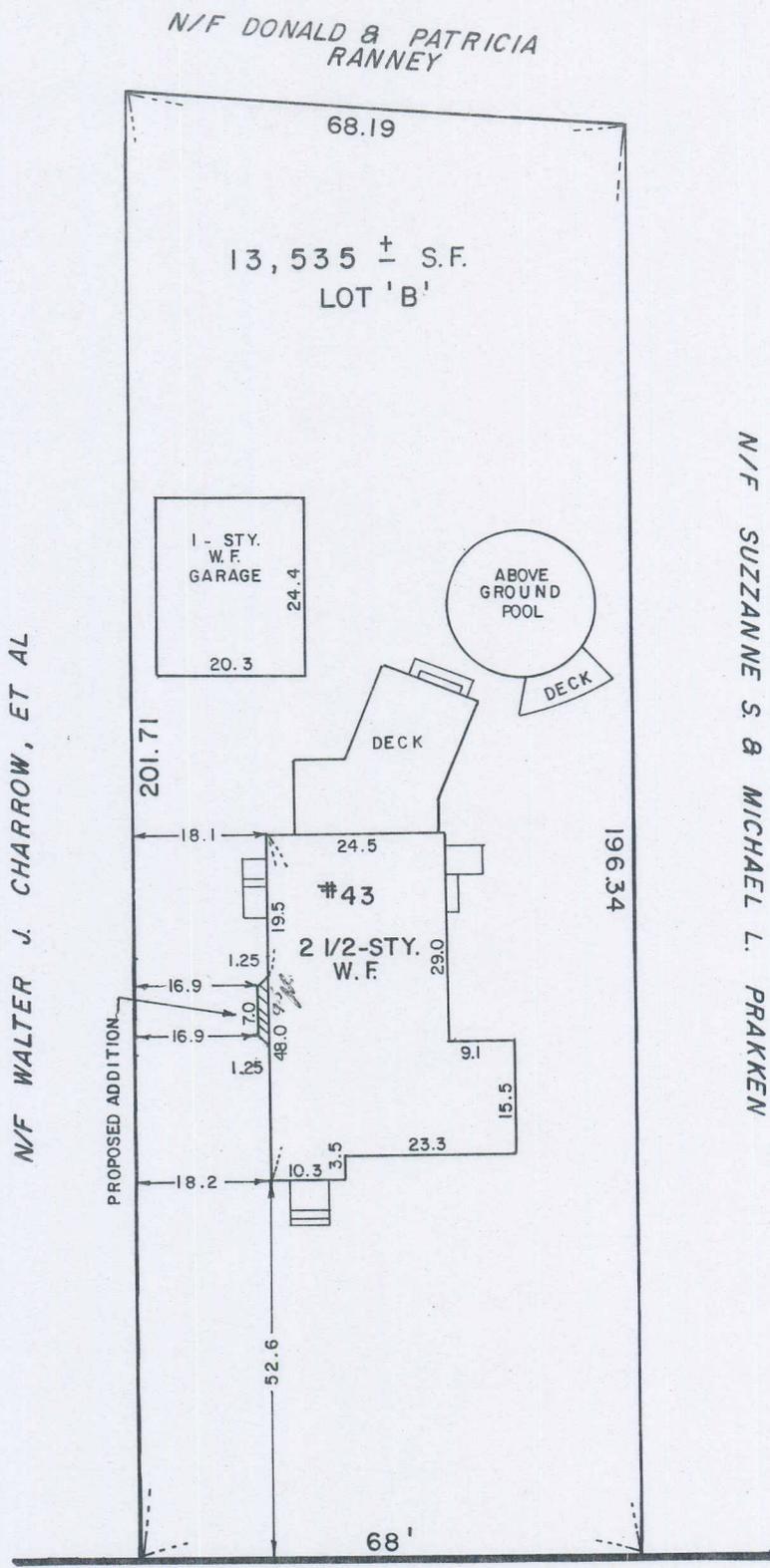
  
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John A. Donovan, Jr., Chairman

  
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Kendall P. Bates

  
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William E. Polletta

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N/F WALTER J. CHARROW, ET AL

N/F SUZANNE S. & MICHAEL L. PRAKKEN

### WOODLAWN AVENUE

RECORD OWNER :  
JAMES W. & NANCY L.  
WALSH

ASSESSORS REF. :  
MAP 63, LOT 35

BUILDING ZONE :  
SINGLE FAMILY  
10,000 S.F.

EXIST. LOT COVERAGE = 19.0 %  
PROP. LOT COVERAGE = 19.1 %

PLAN OF LAND  
IN

## WELLESLEY, MASS.



SCALE: 1" = 20'  
MASS BAY SURVEY, INC.

SEPT. 22, 1997  
NEWTON, MASS.

*Paul Sawtelle*