

**ZONING BOARD OF APPEALS**

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

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1998 JUN -2 A 8:08

ZBA 98-43

Petition of Theodore and Maura Wayman
122 Oakland Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 21, 1998 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of THEODORE AND MAURA WAYMAN 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 3.5 foot by 8 foot roof, with less than the required front yard setback, over their existing landing at their nonconforming dwelling, with less than the required front yard setback, at 122 OAKLAND STREET, in a Single Residence District.

On April 30, 1998, 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 Maura Wayman, who said that they would like to put a roof over their front landing.

The Board noted that the Planning Board had no objection, but had recommended that the landing never be enclosed. The Board was of the opinion that it could recommend, but could not condition in perpetuity that the landing never be enclosed.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 122 Oakland Street, in a Single Residence District, on a 7,836 square foot lot, and has a minimum front yard setback of 24 feet from the existing concrete landing.

The petitioners are requesting a variance to construct a 3.5 foot by 8 foot roof over the existing landing, which will have a minimum front yard setback of 24 feet.

A plot plan dated April 28, 1998, drawn by John J. Caffrey, Registered Professional Land Surveyor; a front elevation drawing, and photographs were submitted.

On May 12, 1998, the Planning Board reviewed the petition and had no objection to the granting of the request provided that the covered stair landing remains unenclosed in perpetuity.

Decision

This Authority has made a careful study of the materials submitted. 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 petitioners, and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

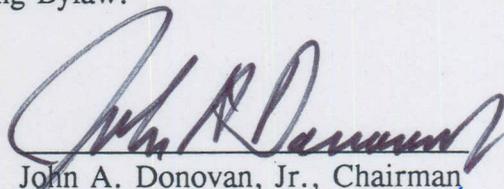
Therefore, the requested variance is granted, as voted unanimously by this Authority at the Public Hearing, to allow construction of the 3.5 foot by 8 foot roof addition over the existing landing, subject to construction in accordance with the submitted plot plan and construction drawing. Furthermore, this Authority strongly recommends that the roofed landing never be enclosed.

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.

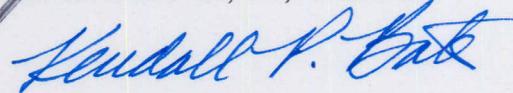
If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

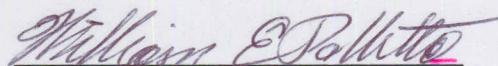
cc: Planning Board
Inspector of Buildings
edg



John A. Donovan, Jr., Chairman



Kendall P. Bates

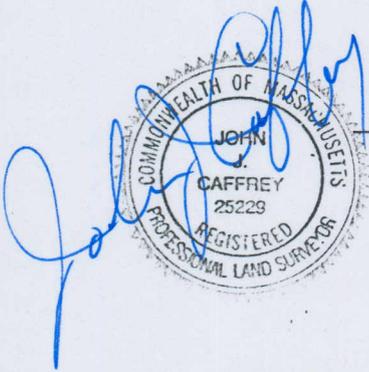
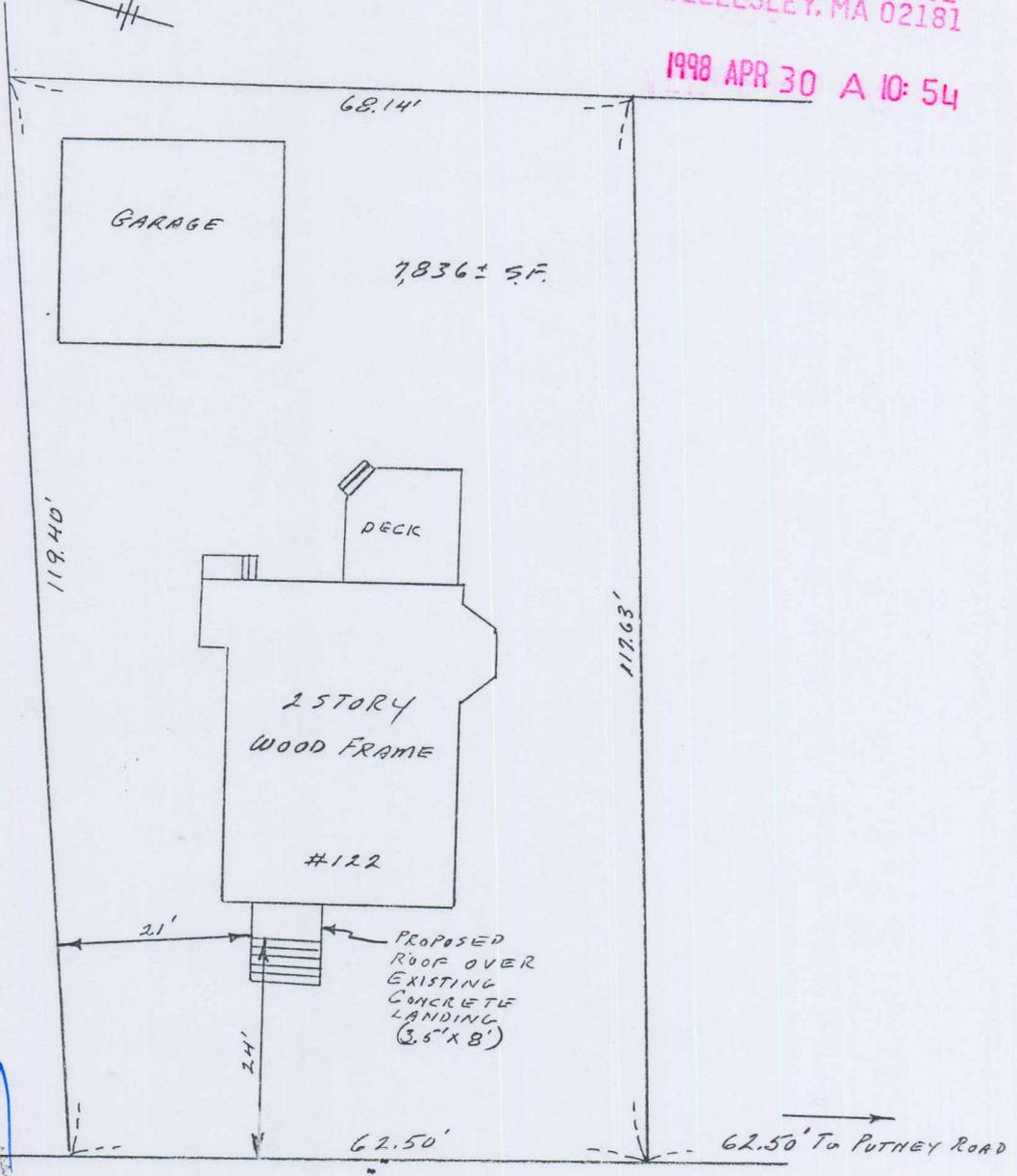


William E. Polletta

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OAKLAND STREET

PLOT PLAN OF LAND
IN
WELLESLEY, MA

Scale: 1"=20'
J.J.Caffrey, PLS

April, 28, 1998
Weston, Mass.