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ZONING BOARD OF APPEALS

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 Administrative Secretary
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Petition of Richard R. Hartley

Pursuant to due notice the Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:00 p.m. on February 7, 1980, on the petition of Richard R. Hartley, requesting a variance from the terms of Section XIX of the Zoning By-law which will allow the construction of a deck on the side of the dwelling at 69 Chesterton Road, with a side yard less than the required twenty feet. Said request was made under the provisions of Section XXIV-D of the Zoning By-law.

On January 22, 1980, the petitioner filed his request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

The petitioner spoke in support of the request at the hearing.

A letter favoring the request was received from Cynthia B. Terry, 65 Chesterton Road.

Statement of Fact

The house involved, which was built in 1950, is located on a lot containing 10,200 square feet, within a single residence district requiring a minimum lot area of 10,000 square feet.

The petitioner seeks a variance which will allow him to construct a deck 14' x 14' off his recently built family room, on the easterly side of his dwelling.

In January 1977, the Board of Appeal granted a special exception to the petitioner to enlarge an existing screened porch on the easterly side of his house and convert it into a family room. The proposed extension, if built, would be 16.58' from the side lot line at the nearest point.

The request now is to construct a deck at the rear of the new family room and to continue the existing line which sets back 16.58' from the side lot line at the nearest point.

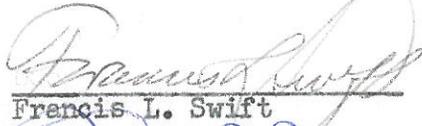
It was pointed out that it was the original intent of the petitioner to construct a deck off the family room, but did not realize a variance would be required to construct a deck in the proposed location. The proposed location appears to be the most practical place for it to be constructed, it is felt, due to the location of the house on the lot and the shape and size of the lot.

A plot plan was submitted, drawn by Alexander Cruciolli, dated 10/9/79, which showed the existing house on the lot as well as the proposed deck.

It is the opinion of this Authority after making a careful study of the plans and evidence submitted as well as viewing the locus, that there is a real need for the proposed deck. Through a misunderstanding, the petitioner thought that the proposed deck could be constructed as desired under the variance granted to him in 1977 for a family room and sliding glass doors were installed as a means to the deck before the error was discovered. A deck at any other location would not serve this purpose. The deck is designed to continue the line of the family room, and if built, will be 16.58' from the easterly side lot line. The house is located 20.18' from the westerly side lot line, leaving little space available, due to the shape of the remaining lot and existing conditions in the rear yard, for the construction of a deck of any practical size.

Therefore, it is the unanimous opinion of this Authority that owing to circumstances relating to the shape of the lot involved, a literal enforcement of the provisions of Section XIX of the Zoning By-law would involve substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning By-law.

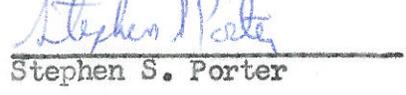
Accordingly, the requested variance is granted and the Building Inspector is authorized to issue a permit for the proposed deck as shown on the plan submitted and on file with this Authority.



 Francis L. Swift



 Franklin P. Parker



 Stephen S. Porter

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Filed with Town Clerk _____

Copies of the decision and all plans referred to in the decision have been filed with the Town Clerk and the Planning Board.

