



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

WILLIAM F. CULLINANE, CHAIRMAN  
STEPHEN S. PORTER  
JOHN A. DONOVAN, JR.

**STEPHANIE J. GOSSELIN**  
Executive Secretary  
Telephone  
235-1664

WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCK

Petition of Finn and Deborah Brudevold

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 9:40 PM on May 20, 1980 on the petition of Finn and Deborah Brudevold, requesting a variance from the terms of Section XIX of the Zoning By-law which would allow the construction of a wooden deck attached to their dwelling at 35 Fairbanks Avenue with a setback of less than the required twenty (20) feet. Said provisions are made under the provisions of Section XXIV-D of the Zoning By-law.

On April 25, 1980, the petitioners filed their request for a hearing before this Board and thereafter, due notice of the hearing was given by mailing and publication.

Mrs. Brudevold spoke in support of their request. There was no one in attendance to oppose this request, the abutting neighbors, Mr. and Mrs. Arthur Gulovsen and Theodore A. Waldron, Jr. all favored this petition.

Statement of Facts

The property involved is located within a Single Residence District and consists of a parcel of land containing 14,020 square feet upon which is a residence.

The petitioners are seeking permission to add a wooden deck to the rear which will have direct access to the house. The proposed deck has two levels. The house being situated on a corner lot, the proposed site would be the only one that would afford privacy and access from house, other than the front yard.

Decision

The Authority has made a study of the evidence submitted and at least one member has taken a view of the locus.

It is the opinion of this Authority that there is a need for a deck similar to that proposed, subject to the conditions hereinafter imposed, and the desired location appears to be the most feasible.

While this Authority is cognizant of the need for a deck, it does not believe it needs to be located as close as six (6) feet to the side lot line at the rear of the dwelling in the belief that to allow such an encroachment as proposed would be detrimental



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to the neighborhood and in the belief that a functional deck of adequate size can be designed to accomplish the purpose for which it is being constructed.

It is the unanimous opinion of this Authority owing to circumstances relating to the location and shape of the land involved, a literal enforcement of the provisions of Section XIX of the Zoning By-law would involve a substantial hardship to the petitioners and that desirable relief may be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of the Zoning By-law.

Accordingly, a variance is granted and the Inspector of Buildings is authorized to issue a permit for a deck subject to the following conditions:

- 1) That a revised plot plan shall be filed with this Authority showing the deck to be no closer than ten (10) feet to the side lot line at the rear of the dwelling.
- 2) That a revised architectural plan shall be filed with this Authority showing the deck railing to be no higher than four (4) feet above the deck at any location.
- 3) That the deck may be located no closer than ten (10) feet from the westerly lot line.
- 4) That no building permit shall be issued until all of the above mentioned conditions have been complied with.

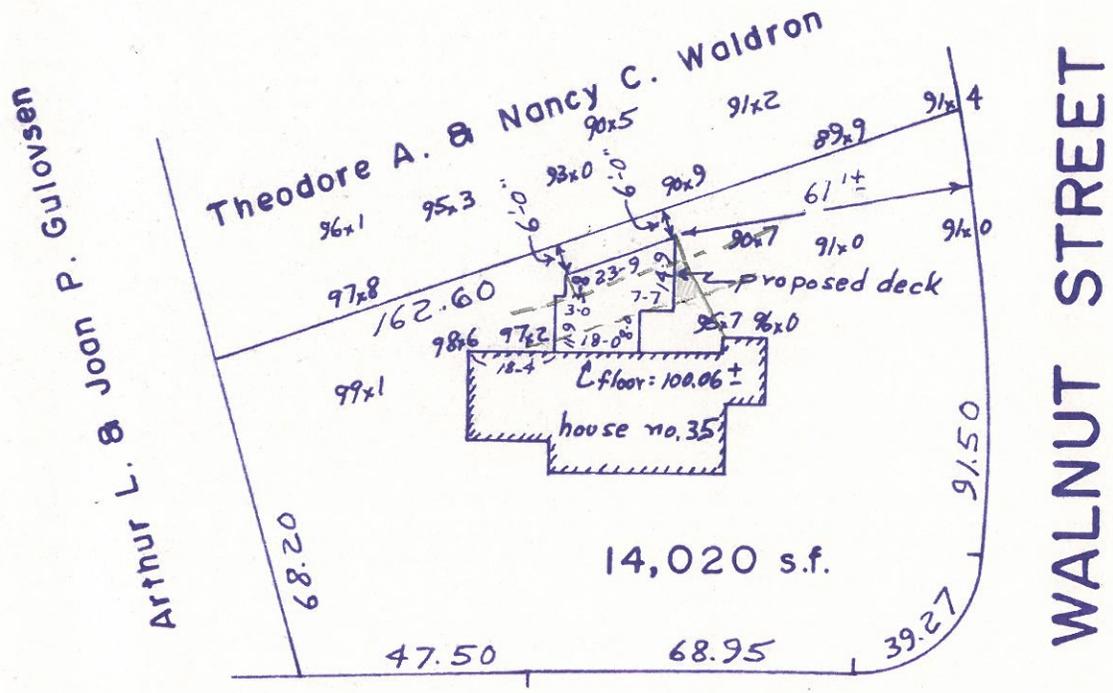
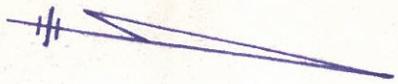
William F. Cullinane  
William F. Cullinane, Chairman

Stephen S. Porter  
Stephen S. Porter

John A. Donovan, Jr.  
John A. Donovan, Jr.

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**FAIRBANKS AVENUE**



*John J. Regan*

**PLAN OF LAND  
IN  
WELLESLEY MASS.**

TO ACCOMPANY THE PETITION OF  
**FINN & DEBORAH B. BRUDEVOLD**  
**35 FAIRBANKS AVENUE**  
**WELLESLEY**

SCALE 1 IN = 40 FT  
APEX ASSOCIATES  
NEWTON HIGHLANDS

APRIL 24, 1980  
LAND SURVEYORS  
MASS.

