80-33

TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181
STEPHANIE J. GOSSELIN
Executive Secretary
Telephone
235-1664

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

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

Petition of Walter E. Slaboden

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Thursday, August 14, 1980 at 8:30 PM on the Petition of Walter E. Slaboden who is seeking a Variance from the terms of Section XIX of the Zoning Bylaw in order to construct a wooden deck attached to the side and rear of the dwelling and located on the front side of their garage, a storage shed. The dwelling is located at 49 Tanglewood Road, where the side yard setback would be less than the required twenty (20) feet. Said request is made pursuant to Section XXIV-D of the Zoning Bylaw.

On July 25, 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.

Mr. and Mrs. Slaboden spoke on behalf of their petition. The Planning Board has supplied this Authority with a letter recommending that the petition be denied.

Statement of Facts

Under a previously issued Building Permit, the petitioner built a rear porch and garage addition on the southeasterly end of the house shown on the Plot Plan dated May 20, 1980. A Variance is needed for the proposed storage shed which would come to within 16.6 feet of the sideline and for which the foundation has already been poured, and the proposed deck which would extend to within 11.6 feet of the sideline. The trench for electrical and telephone cables runs into the house at the southeastern corners which would bar extending the foundation straight out from the eastern side of the house without moving the cables.

Decision

This Authority has made a careful study of the evidence submitted and at least one member has taken a view of the locus, noting the overall shape of the lot as well as the location of the building on the lot and the reported location of the trench for the electrical and telephone cables.

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Petition of Walter E. Slaboden, continued

This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D 1 a. of the Zoning Bylaw regarding the request to construct a wooden deck on the easterly side of the dwelling. This Authority is concerned about the encroachment into the easterly side yard and is not convinced a suitable deck could not be constructed elsewhere on this lot.

It is the unanimous opinion of this Authority that owing to the location of the trench for the electrical power and telephone cables, the petitioner has shown a need for the tool shed, the foundation of which also serves as part of the foundation of the garage addition which was constructed under a previous Building Permit. It is our opinion that literal enforcement of Section XIX would involve a substantial hardship to the petitioner and desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Zoning Bylaw.

Therefore, subject to the following conditions the Building Inspector is authorized to issue a Building Permit for a five foot by eleven foot (5'x11') tool shed to be constructed according to plans on file and to be located attached to the garage addition, according to the Plot Plan submitted dated May 20, 1980.

1. That a revised Plot Plan be submitted showing the location of the proposed tool shed only (without the requested deck) to be no closer than 16.5 feet to the easterly lot line as discussed at the Public Hearing.

William F. Cullinane
William F. Cullinane, Chairman

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

Stephen S. Porter
Stephen S. Porter

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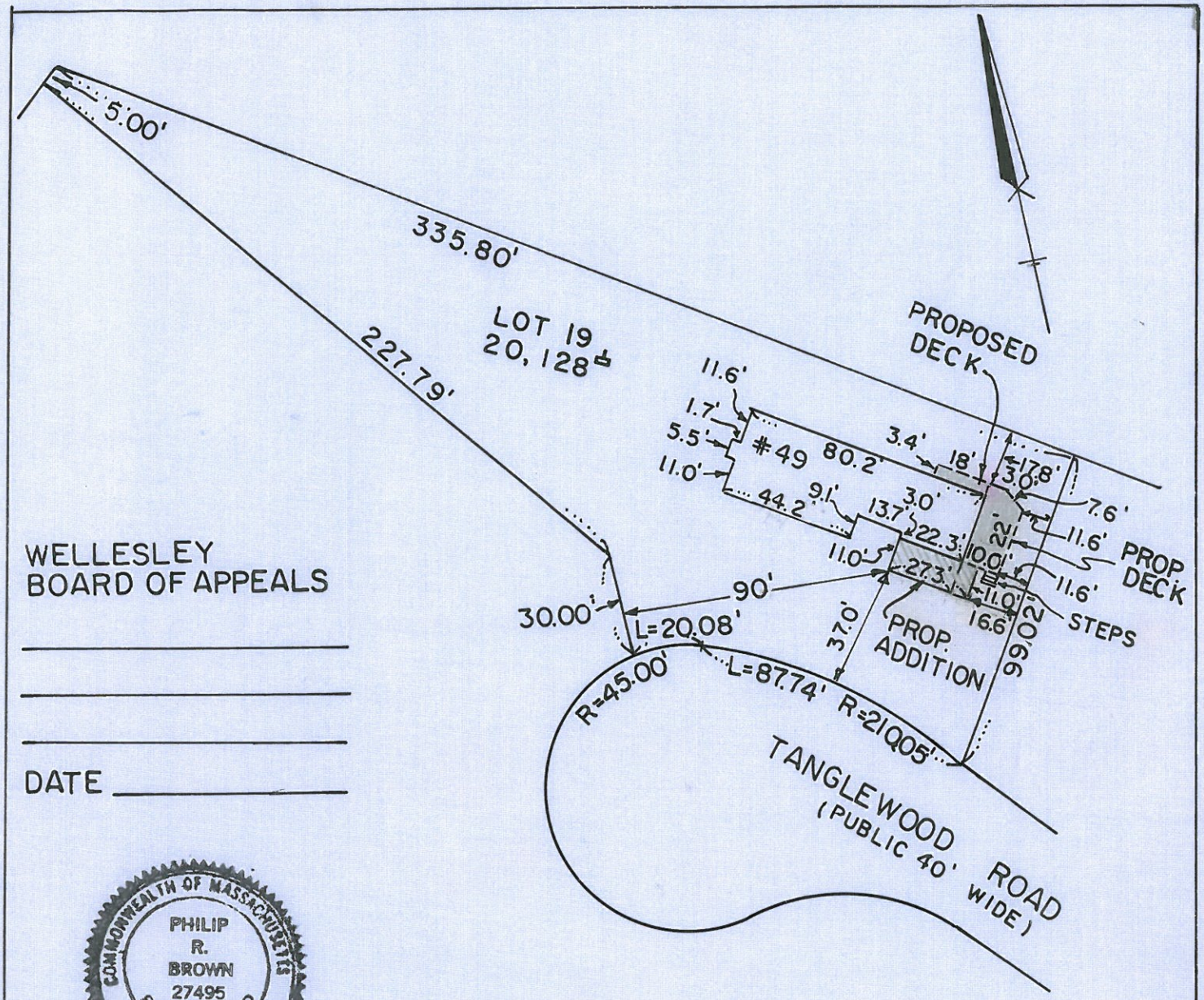

WELLESLEY
BOARD OF APPEALS

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DATE _____

COMMONWEALTH OF MASSACHUSETTS
PHILIP R. BROWN 27495
REGISTERED LAND SURVEYOR

Philip R. Brown

PHILIP R. BROWN
REG. LAND SURVEYOR

PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY : WALTER SLABODEN

SCALE: 1" = 50' MAY 20, 1980

PLAN BY: MACCARTHY & SULLIVAN ENGINEERING INC.
81 SPEEN ST., NATICK, MASS.