



ZONING BOARD OF APPEALS

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 Administrative Secretary
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Petition of Robert S. and Sandra P. Ow

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 8:10 p.m. on February 7, 1980, on the petition of Robert S. and Sandra P. Ow, requesting a variance from the terms of Section XIX of the Zoning By-law which will allow the construction of an addition on the side of the dwelling at 3 Oriole 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, 1979, the petitioners filed their request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

A letter of approval was submitted from Richard B. and Barbara D. Weene, 23 Bobolink Road, abutting property owners at the rear.

Samuel Cores, 7 Oriole Road, expressed concern about the link fence along the side line, and the condition of the wire fence at the rear, which he stated, the petitioners have agreed with him to remove.

Statement of Facts

The property involved is located within a Single Residence District requiring a minimum lot area of 10,000 square feet. The house involved was built in 1955 on a lot containing 11,099 square feet.

The petitioners seek a variance which will allow them to construct an addition 5' x 21.2' on the southwesterly side of their dwelling in order to provide a family room.

It was explained that the house, which is range style, contains a kitchen, dining room, living room, three bedrooms and a small room 7'6" x 21', which was formerly an open porch and at some time was enclosed but not totally winterized. The present-sized room, it was stated, is not adequate for use by two adults and two growing children, ages 6 and 9. It is the desire, therefore, of the petitioners to extend the existing room five feet in width to provide a room of more practical size. It was pointed out that in so doing, it would encroach into the restricted side yard and, if allowed, would be 14.0' to the side lot line and that the outside chimney would be 12.7' to the same line.

It was further pointed out that the lot involved is a corner lot, and due to the shape of the lot, and the location of the house on the lot, it is not be possible to construct a room of any practical size which would comply with the set-back requirements of the Zoning By-law. An addition at any other location would also require major alterations to the structure and layout of the house.

A plot plan was submitted, drawn by Carmelo Frazetti, Land Surveyor, dated January 8, 1980, which showed the existing dwelling on the lot as well as the proposed addition. Said plan showed the addition to be 5.0' x 21.2', located on the southwesterly side of the house, 14.0' from the lot line, with a fireplace chimney 12.7' from the same line.

Decision

The Authority has made a careful study of the evidence submitted and has taken a view of the locus.

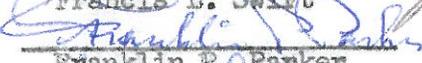
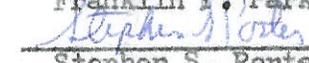
In its opinion, there is a real need for the addition proposed which will provide the living space needed by the petitioners' growing family, and the proposed location appears to be the only practical and feasible place it can be constructed with the least encroachment into the restricted yard areas.

Because of the location of the house on the lot, the shape of the remaining lot is such that there is no space available to construct an addition which will conform with the setback requirements of the Zoning By-law. The lot is a relatively small corner lot with greater setback restrictions imposed upon it than would be otherwise.

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 petitioners. It is the further belief of this Authority that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law.

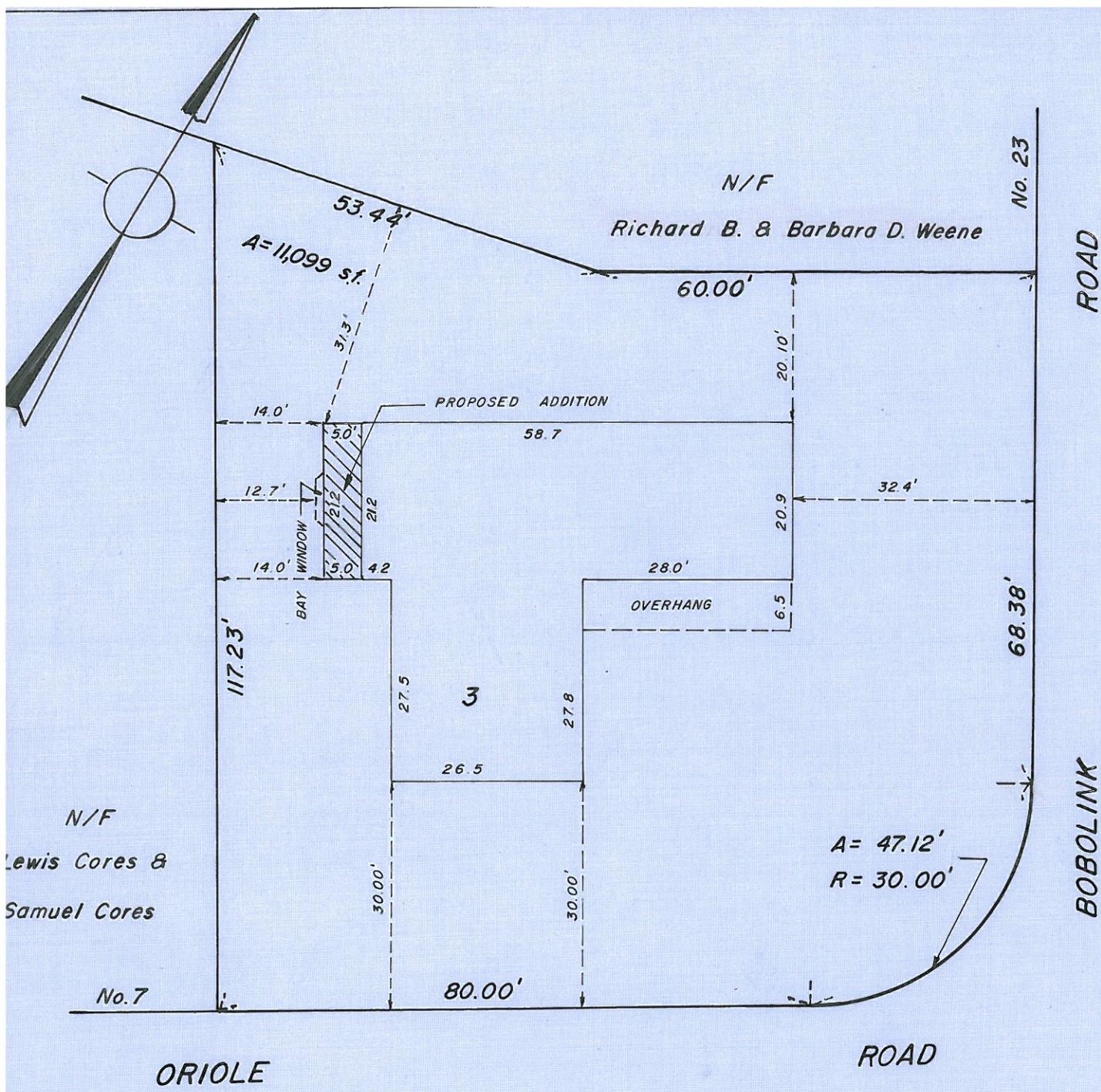
Accordingly, the requested variance is granted and the Building Inspector is authorized to issue a permit for the proposed addition as shown on the plan submitted and on file with this Authority, drawn by Carmelo Frazetti, Land Surveyor, dated January 8, 1980.

RECEIVED
TOWN CLERK
JAN 22 1980


Francis L. Swift

Franklin P. Parker

Stephen S. Porter

Filed with Town Clerk: _____

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



PLAN OF LAND
 in
 WELLESLEY, MASSACHUSETTS
 at
 No. 3 ORIOLE ROAD

Owned by
 Robert S. & Sandra Ow
 Jan. 8, 1980
 Carmelo Frazetti



Proposed Addition
 Scale 1" = 20'
 Land Surveyor