



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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83-6

Petition of James and Lori Kamitses

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8 p.m. on Thursday, March 3, 1983, on the petition of James and Lori Kamitses, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the addition of a deck approximately 18.1 feet by 32 feet to their dwelling at 24 Riverdale Road, leaving less than the required left sideyard. Said request is made pursuant to Section XXIV-D of the Zoning Bylaw.

On February 14, 1983, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was James Kamitses, who stated that a dry well and a retaining wall interfered with the construction of the deck, so it could not be placed 20 feet from the lot line. Mr. Kamitses stated that he constructed the deck himself and neglected to obtain a building permit for it.

Present at the hearing in favor of the request was Frank Sekula, 30 Riverdale Road, and Matthew N. Rubin, 20 Riverdale Road, abutter on the side of the construction.

No one was present opposed to the petition.

Statement of Facts

The property involved is located at 24 Riverdale Road, containing 11,270 square feet of land, in a Single Residence District. The existing dwelling is a legal non-conforming dwelling, with a left side yard of 14.9 feet at the front corner of the house and 16.7' at the rear corner of the house.

A deck, 32 feet by 18.1 feet, was constructed by the petitioner without obtaining a building permit, leaving a left side yard of 15 feet at the closest point.

A Plot Plan was submitted, drawn by Philip R. Brown, Registered Land Surveyor, of MacCarthy & Sullivan Engineering, Inc., Natick, Ma. dated January 26, 1983. Construction sketches were also submitted. In response to the Board of Appeals request at the public hearing, the petitioner subsequently submitted a revised plot plan dated March 4, 1983, indicating the distance from the front corner of the dwelling to the left side lot line.

The Planning Board, in a letter dated March 2, 1983, stated that they had no objection to the requested variance.

Decision

This Authority has made a careful study of the evidence presented.

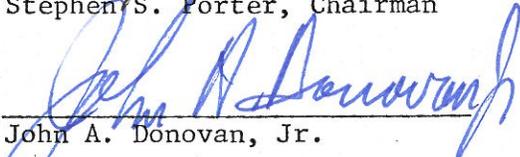
The Board is disturbed that the petitioner constructed the deck without attempting to obtain a building permit. The Board frowns upon such violations of the town regulations, which were adopted for the protection of the community and the welfare of its citizens.

The existing dwelling at 24 Riverdale Road is a legal non-conforming dwelling, leaving a left side yard of 14.9 feet at the closest point. The deck maintains the existing lines of the house, and comes no closer than the existing house to the left side lot line. It is the opinion of this Authority that the deck does not alter the relationship of the house to the left side lot line.

It is the unanimous decision of this Authority that because of the shape of the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without substantitally derogating from the intent or purpose of the Zoning Bylaw.

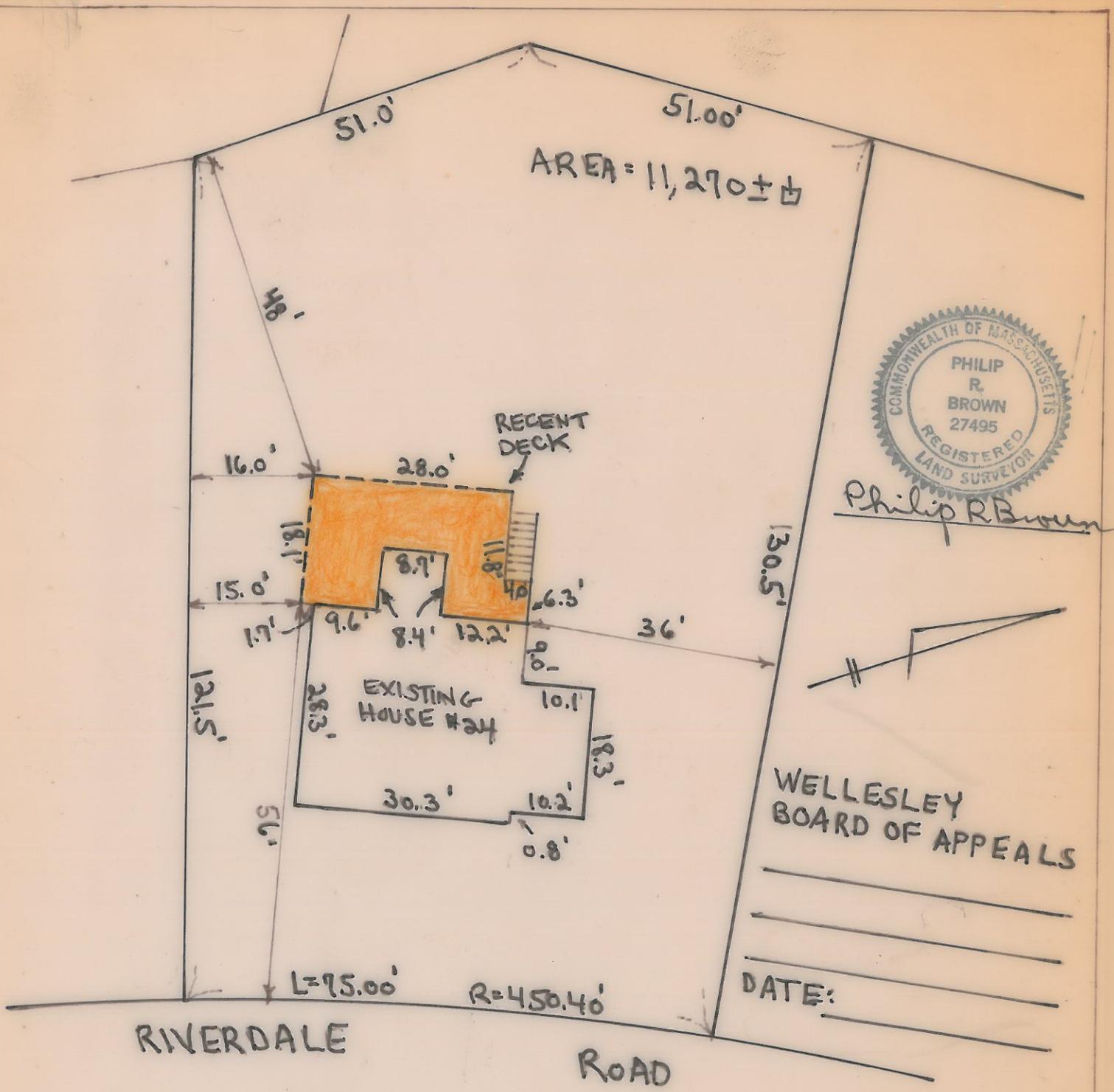
Therefore, the requested variance is granted for the deck, 32 feet by 18.1 feet, as shown on the Plot Plan drawn by Philip R. Brown, dated 1/26/83 and revised 3/4/83, leaving a left side yard of 15 feet at the closest point. The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

  
 Stephen S. Porter, Chairman

  
 John A. Donovan, Jr.

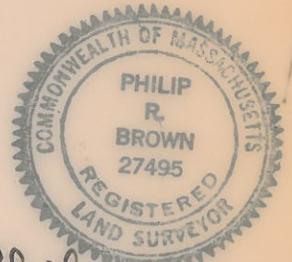
  
 William E. Polletta

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RIVERDALE

ROAD



*Philip R. Brown*

WELLESLEY  
BOARD OF APPEALS

DATE: \_\_\_\_\_

PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY:

JAMES G. KAMITSES

SCALE: 1"=20'

JAN. 26, 1983

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