



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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83-7

Petition of Steven H. and Merilee S. Grindle

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 Steven H. and Merilee S. Grindle, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of an addition to their dwelling at 38 Chestnut Street, consisting of a family room and two-car garage approximately 44.5 feet by 23 feet and a deck approximately 500 square feet, leaving less than the required right side yard and rear yard. 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 Steven Grindle, who stated that he is actually requesting two separate variances, one for the side yard and the other for the rear yard. Regarding the side yard, the house is non-conforming, coming to 11 feet from the right side lot line at the front corner. The proposed construction would leave a 16 foot side yard at the rear corner of the house and a 20 foot side yard at the furthest point of the proposed construction. Mr. Grindle stated that the house was constructed in about 1910 and many houses in the neighborhood have existing garages near the rear lot line. The proposed addition would be architecturally and aesthetically pleasing and allow light to enter the kitchen.

Claude Gentilhomme, architect for the Grindles, spoke in favor of the petition. Mr. Grindle presented a letter from Alfarin Ordubadi, 32 Chestnut Street, in favor of the petition.

Present at the hearing and opposed to the request was Charles Baird, 45 Cliff Road. He presented a statement opposing the petition, signed by Jane Baird and Kenneth and Barbara Steiner, 49 Cliff Road.

Statement of Facts

The property involved is located at 38 Chestnut Street, containing 21,228 square feet of land, in a Single Residence District.

The existing dwelling is a legal non-conforming dwelling, having been constructed in the early 1900's, with a right side yard of 11 feet at the front corner of the dwelling and 16 feet at the rear corner of the dwelling.

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The proposed addition would be 23 feet by 44.5 feet, coming to 16 feet from the right side line at the closest point, and 10 feet from the rear yard lot line at the closest point. The addition would include a two-car garage, a family room mud room and storage area. A 500 square foot deck is also proposed on the south side of the dwelling. The present bylaws require a 20 foot rear yard and a 20 foot side yard.

A Plot Plan was submitted, drawn by John Thomas Yunits, Registered Land Surveyor, of Yunits Engineering Company, Inc., Holbrook, Ma., dated February 8, 1983. Construction drawings were submitted, drawn by Gentilhomme, Wellesley, Drawing #2783.

The Planning Board, in a letter dated March 2, 1983, stated the following: "The Planning Board has no objection to the side yard variance due to the location of the existing house in relation to the sideline. The Board, however, is opposed to the rear yard variance request as being an unreasonable encroachment. The Board wonders whether other options have been fully explored by the applicant."

Decision

This Authority has made a careful study of the evidence presented. The particular house in question in its location on the lot does not conform to the present Zoning Bylaws. The dwelling comes to 11 feet from the right side lot line.

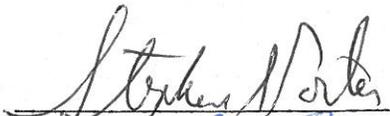
It is the opinion of this Authority that, in regards to the variance requested for the right side yard, the proposed addition conforms to the present lines of the house and does not alter the relationship of the house to the right side lot line. With regards to the proposed addition and the requested variance for the rear yard, it is the opinion of this Authority that the minimum rear yard of 20 feet must be maintained.

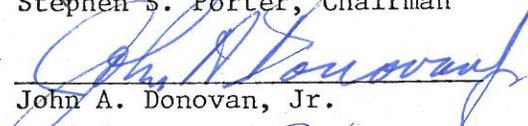
It is the unanimous decision of this Authority that because of the shape of the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without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

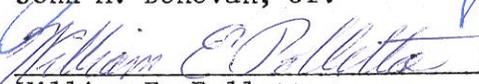
Therefore, a variance is granted to construct an addition as drawn on the plot plan by Yunits Engineering Co., dated February 8, 1983, with the condition that said addition does not come closer than 20 feet from the rear lot line and that said addition maintains the existing lines of the dwelling on the right side yard.

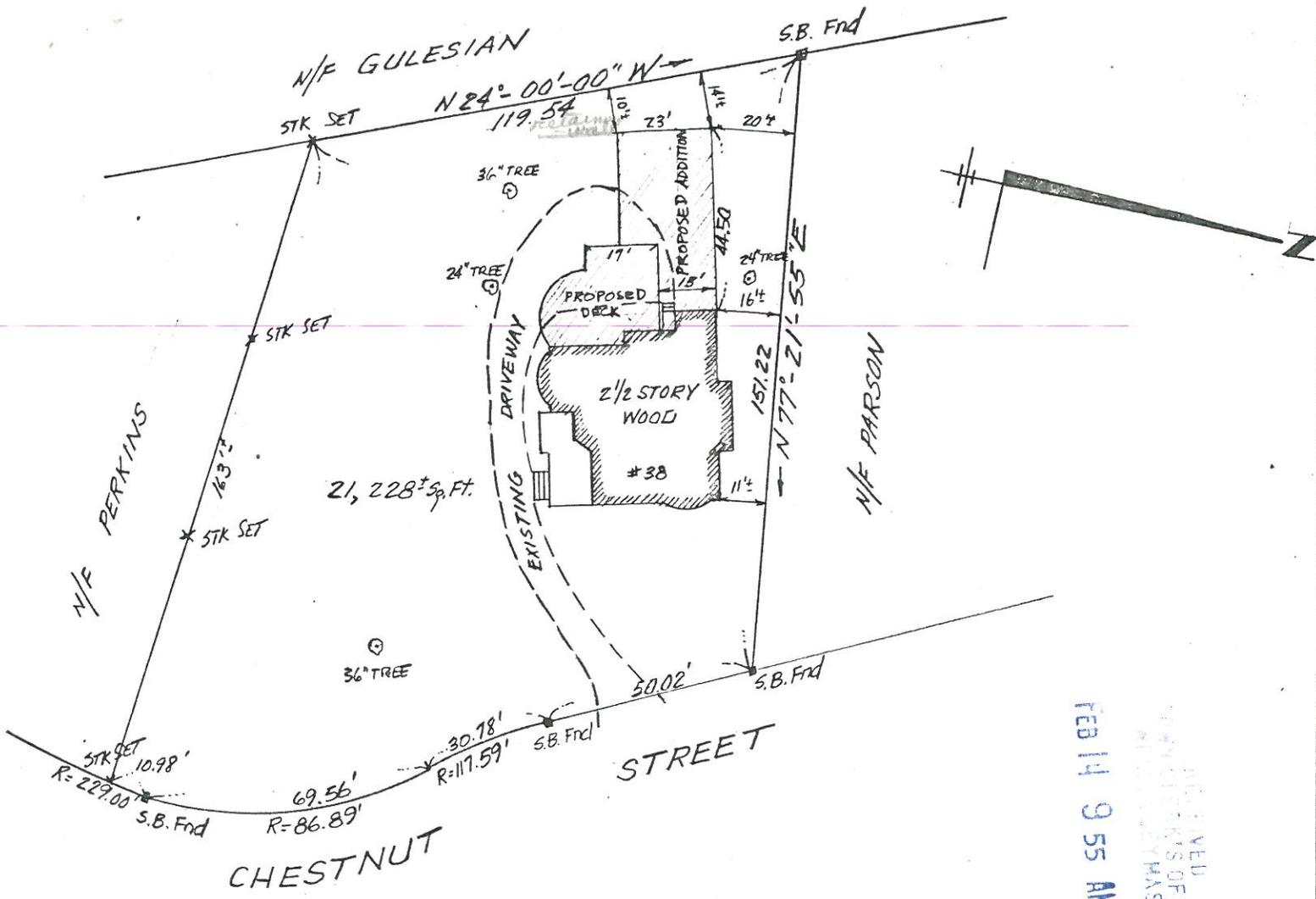
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a new plot plan, a building application and construction plans.

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Stephen S. Porter, Chairman


John A. Donovan, Jr.


William E. Polletta



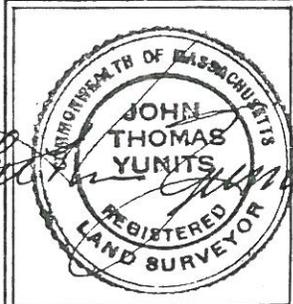
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OWNER:

STEVEN & MERILEE GRINDLE
 38 CHESTNUT STREET
 WELLESLEY, MASS. 02181

PLAN OF LAND
 CHESTNUT STREET, WELLESLEY
 NORFOLK COUNTY, MASS.

- PLOT PLAN -



[Handwritten signature]

SCALE	1"=40'	DATE	2-8-83	JOB NO.	8082
CALC		DRAWN	G.K.H.	CHECKED	
YUNITS ENGINEERING CO., INC.					DWS NO.
CONSULTING ENGINEERS 11 TECHNICAL PARK DRIVE HOLBROOK, MASS. 02343.					/