



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 86-50

Petition of John H. & Catherine C. Brady
100 Fairbanks Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing Thursday, September 18, 1986 at 8 p.m. in the Great Hall of the Town Hall at 525 Washington Street, Wellesley, on the petition of JOHN H. & CATHERINE C. BRADY requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow a one-story addition to their non-conforming dwelling at 100 FAIRBANKS AVENUE to include a room approximately 28.4 feet by 25 feet, leaving less than the required left (northerly) side yard.

On August 26, 1986, the petitioner requested 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 Rafe Lowell, architect for the Brady's who were out of town. Discussion followed about the proximity of the house to the neighbor's house. Mr. Lowell stated that the addition is a one-story addition and that the roof pitches away from the lot line. The addition would not come any closer to the lot line than the existing house.

No others were present expressing favor or opposition to the request.

Statement of Facts

The property in question is located at 100 Fairbanks Avenue, containing 15,157 square feet of land. A non-conforming dwelling exists on the lot with a left (northerly) side yard of 12.7 feet.

The petitioner proposes a one-story addition to include a room 28.4 feet by 25 feet at the rear of the garage leaving a side yard of 13.9 feet. The addition would include a family room, laundry and storage area. The addition would not come as close as the existing house to the lot line.

A Plot Plan was presented, drawn by Carmelo Frazetti, Registered Land Surveyor, dated July 22, 1986. Construction drawings were presented by Rafe and Priscilla Lowell, Wellesley, dated 1/5/86.

The Planning Board, at its regular meeting of September 9, 1986 as stated in a letter of September 15, 1986, voted to oppose the granting of the variance.

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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 12.7 feet from the left side lot line.

It is the opinion of this Authority that the proposed one-story addition conforms to the present lines of the house and does not alter the relationship of the house to the left side lot line.

It is the opinion of this Authority that, because of the shape of the lot and the location of the house on 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.

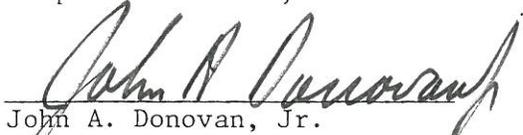
Therefore, the requested variance is granted to construct a one-story addition at 100 Fairbanks Avenue, said addition approximately 28.4 feet by 25 feet, as shown on the Plot Plan by Carmelo Frazetti, Registered Land Surveyor, dated July 22, 1986, coming no closer than 13.9 feet from the left (northerly) side lot line.

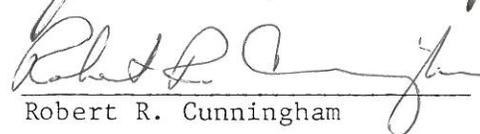
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.


Stephen S. Porter, Chairman


John A. Donovan, Jr.


Robert R. Cunningham

cc: Planning Board
Inspector of Buildings

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FAIRBANKS, ALASKA

