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ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-100
Petition of Roger and Susan Lazarus
16 Columbia Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, December 15, 1988 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley on the petition of ROGER AND SUSAN LAZARUS, requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow removal of an existing addition and construction of a new addition approximately 10 feet by 18 feet with less than the required right side yard at their non-conforming dwelling at 16 COLUMBIA STREET, in a Single Residence District. A variance is also requested from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to bring said non-conforming dwelling with less than the required front setback and less than the required left and right side yards into conformance with the current Zoning Bylaw of the Town.

On November 29, 1988, the petitioners 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 Roger Lazarus, who stated he had owned the property since May, 1987, and that the addition would not extend beyond the existing line of the house.

No person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 16 Columbia Street, in a Single Residence District, on an 8,261 square foot lot with a minimum front setback of 27.1 feet, a minimum left side yard clearance of 18.2 feet and a minimum right side yard clearance of 10.4 feet.

In June, 1983, the previous owners of the property, Joan and Daniel Eastman, requested and were granted a variance (ZBA 83-29) to construct a 2-story addition approximately 18 feet by 17 feet, following the existing lines of the house and leaving less than the required right side yard. The variance lapsed without ever being exercised.

The petitioners now are requesting a variance to allow removal of an existing addition and construction of a one-story addition approximately 18 feet by 10 feet which would leave a right side yard of 12.5 feet, and a variance to bring their non-conforming dwelling into conformance with the current Zoning Bylaw of the Town.

A Plot Plan dated October 27, 1988, drawn by Nathan Rossman, Registered Land Surveyor; Construction Plans and elevations dated 10/19/88, revised 10/23/88, revised 11/11/88, drawn by Vitkosky Designs; and photographs were submitted.

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The Planning Board, on December 6, 1988, voted to offer no objection to the request.

Decision

This Authority has made a careful study of the evidence presented. The subject house does not conform to the current Zoning Bylaws as noted in the foregoing Statement of Facts.

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 right 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 and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw is granted to allow the existing dwelling at 16 Columbia Road with a front setback of 27.1 feet, a right side yard of 10.4 feet and a left side yard of 18.2 feet.

The requested variance is also granted to construct a one-story addition subject to construction in accordance with the Plot Plan and construction plans as submitted and noted in the foregoing Statement of Facts, said addition coming no closer to the right side lot line than 12.5 feet at the right rear corner.

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.

cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Franklin P. Parker

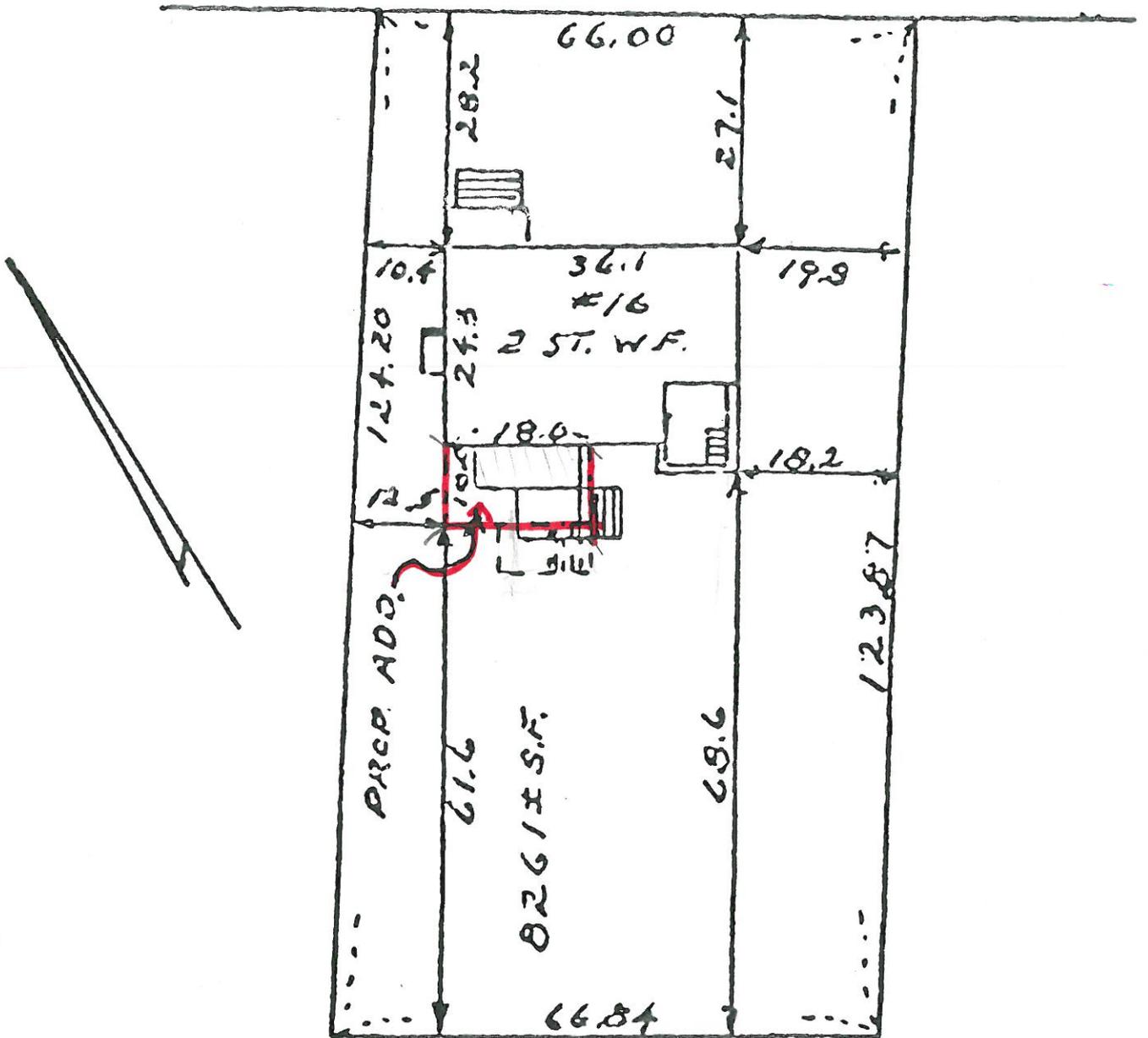

William E. Polletta

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Nov 29 10 51 AM '88

COLUMBIA STREET



PLAN OF LAND
WELLESLEY-MA.
OCTOBER 27, 1988
SCALE: 1" = 20'

Nathan Rossman

MASS BAY SURVEYING