TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
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Executive Secretary
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431-1019

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SUMNER H. BABCOCK

ZBA 88-53
Petition of Paul and Deborah Carr
11 Cushing Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, June 23, 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 PAUL AND DEBORAH CARR requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow enclosure of an existing roofed porch approximately 5 feet by 7 feet 2 inches, and remodeling of said enclosure as a bathroom at their non-conforming dwelling at 11 Cushing Road, in a Single Residence District, with less than the required right side yard.

On June 6, 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 was Paul Carr who said that they would like to add a bathroom on the first floor for the convenience of guests and elderly relatives. The porch is currently enclosed on three sides, and no further encroachment will be made.

No other persons had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 11 Cushing Road, in a Single Residence District, on a 13,400 square foot lot with a minimum right side yard clearance of 14.71 feet.

The petitioners are requesting a variance to allow enclosure of an existing roofed porch approximately 5 feet by 7 feet 2 inches and remodeling of said enclosure as a bathroom; said porch presently coming to within 14.71 feet of the right side lot line.

A Plot Plan, dated April 29, 1988, drawn by John Lawrence Noonan, Registered Land Surveyor; undated construction plans drawn by Binkley-Holser Architects; and photographs were submitted.

The Planning Board, on June 14, 1988, voted to offer no objection to the variance request as it appears there is no further encroachment on the inadequate side yard.

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Decision

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

It is the opinion of this authority that the proposed enclosure of the roofed porch 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 petitioners, and 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 enclose the roofed porch and remodel said porch as a bathroom subject to construction in accordance with the plot plan and construction plans as submitted and noted in the foregoing Statement of Facts.

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.

John A. Donovan, Jr., Chairman

Robert R. Cunningham

William E. Polletta

cc: Planning Board
Inspector of Buildings
edg

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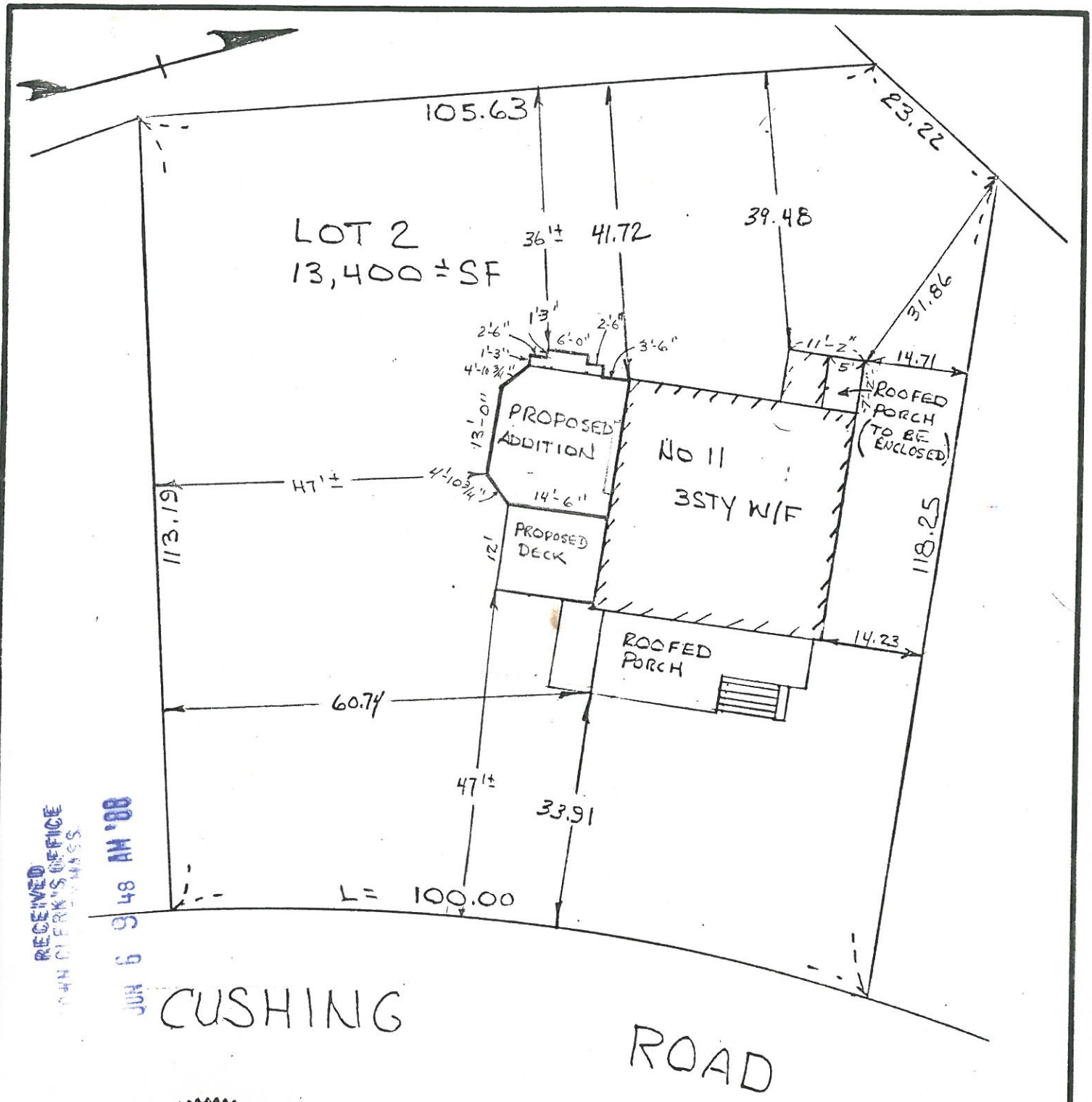

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COMMONWEALTH OF MASSACHUSETTS
JOHN LAWRENCE NOONAN
No. 33000
PROFESSIONAL LAND SURVEYOR

5/5/88
DATE

PROF. LAND SURVEYOR

PLOT PLAN
IN
WELLESLEY, MASS.
SCALE: 1 IN. = 20 FT. APRIL 29, 1988

NOONAN & MC DOWELL, INC.
SUITE 6, 25 BRIDGE ST.
BILLERICA, MA. 01821
(617) 667-9736

NOTE:
THIS PLOT PLAN IS THE PROPERTY OF NOONAN & MC DOWELL, INC. AND MAY NOT BE ALTERED.

JOB NO. 801