



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019

TOWN RECEIVED
CLERK'S OFFICE
WELLESLEY, MASS.
SEP 28 9 00 AM '88
WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

ZBA 88-72
Petition of Michael Sporer
31 Longfellow Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, September 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 MICHAEL SPORER requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow construction of a retractable awning approximately 12 feet by 24 feet at his conforming dwelling at 31 LONGFELLOW ROAD, in a Single Residence District, said awning to leave less than the required right side yard. This petition was reheard on September 15, 1988 due to absence of a full Board at the August 25, 1988 Public Hearing which nullified said hearing.

On August 8, 1988, 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 were Kris Orr, designer for Michael Sporer, and the petitioner. Ms. Orr said that the Sporers wish to install a 12 foot by 24 foot awning which, when extended would encroach on the right side yard about 12 feet. The awning would be installed to cover two sliding glass doors and extend over the patio. The Sporers have installed a fence on the property line to provide privacy.

Robert L. Kelley, 29 Longfellow Road, the right side abutter, read a letter of opposition which had been previously submitted to the office of the Board of Appeals. Mr. Kelley said that when the Sporers bought the house, they were aware that nothing could be added to the right side of the house, since a deck which had been constructed had to be removed by order of the Building Department. Mr. Kelley was concerned that the awning would increase the use of the patio, creating additional noise and lack of privacy.

Mr. Sporer said that the awning would be retractable. The awning would provide a convenience in the use of the patio, but would be retracted during the winter. The 8 foot fence provides sufficient privacy.

No other persons present had any comment on the petition.

Statement of Facts

The conforming dwelling is located at 31 Longfellow Road, in a Single Residence District, on a 16,814 square foot lot. The property is presently conforming in regard to all setbacks with a right side yard of 20.66 feet from the property line.

ZBA 88-72
Petition of Michael Sporer
31 Longfellow Road

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS
SEP 28 9 09 AM '88

The petitioner is requesting a variance to install a retractable awning approximately 12 feet by 24 feet which, when extended, will leave a minimum right side yard clearance of 8.7 feet.

A Plot Plan dated July 29, 1988, drawn by George N. Giunta, Registered Land Surveyor; a booklet describing the awning and installation entitled "The High Roller"; and photographs were submitted.

A letter in opposition to the request, dated August 23, 1988, signed by Diana and Robert Kelley, 29 Longfellow Road, is on file in the office of the Board of Appeals.

The Planning Board, on August 9, 1988, voted to offer no objection to the request.

Decision

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

Variations may only be granted by the Permit Granting Authority once they have found any or all of the following (Section XXIV-D 1. as quoted from the Zoning Bylaw):

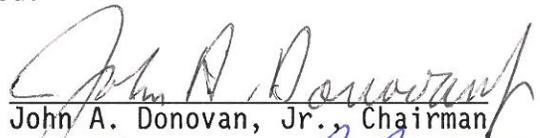
- "1. ...
 - a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to: i) soil conditions, ii) shape, or iii) topography of such land or structures, especially affecting such land or structures but not generally affecting the zoning district in which it is located; and the hardship shall not have been self-created; and
 - b. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw."

This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D of the Zoning Bylaw.

Therefore, it is the unanimous opinion of this Authority that this request for a variance be denied, and this petition is dismissed.

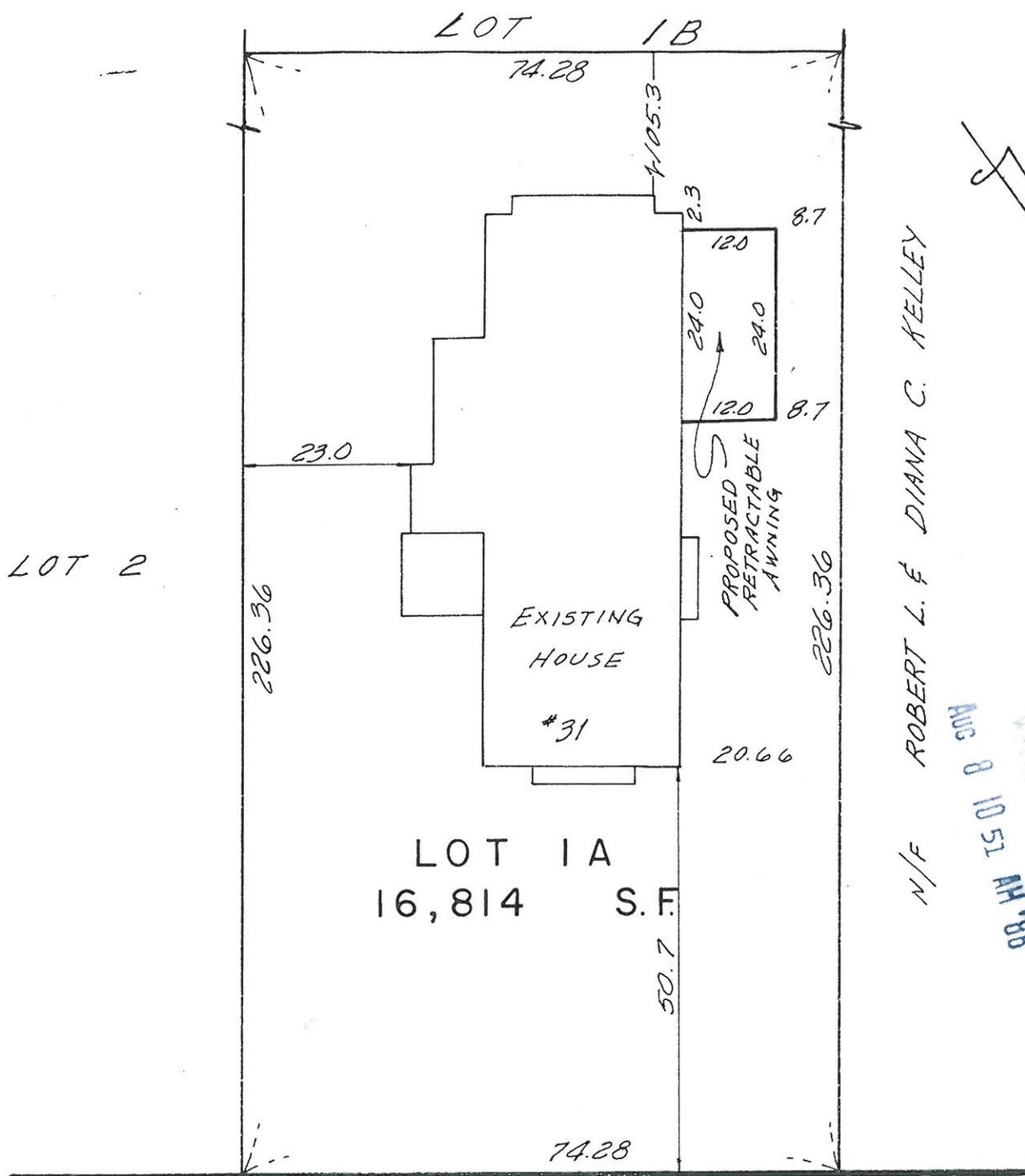
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


William E. Polletta



N/F ROBERT L. & DIANA C. KELLEY

RECEIVED OFFICE
TOWN CLERK'S OFFICE,
WELLESLEY, MASS.
AUG 8 10 51 AM '88

PLOT PLAN OF LAND
IN
WELLESLEY — MASS.

JULY 29, 1988 SCALE 1" = 20'
NEEDHAM SURVEY ASSOCIATES
76 NEHOIDEN ST.
NEEDHAM, MASS.

