



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

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WILLIAM E. POLLETTA
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ZBA 88-74

Petition of George Calder, Jr.
18 Kendall 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 GEORGE CALDER, JR. requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow removal and replacement of an existing enclosed porch approximately 19.2 feet by 9.2 feet and construction of a deck approximately 9.2 feet by 11.2 feet at his non-conforming dwelling at 18 KENDALL ROAD, in a Single Residence District, said porch and deck having less than the required front setback and said porch having less than the required left side yard. A variance is also requested pursuant to Section XIX and Section XXIV-D of the Zoning Bylaw to bring said property with less than the required front setback and less than the required left side yard into conformance with the current Zoning Bylaw of the Town. 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 was George Calder, Jr., who stated that the porch is pulling away from the house and needs replacement. He would like to replace the porch and add a deck. There would be no further encroachment.

No other persons present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 18 Kendall Road, in a Single Residence District, on a 8,199 square foot lot with a minimum front setback of 14.5 feet and a minimum left side yard clearance of 13.1 feet. The dwelling was constructed approximately 80 years ago. No additions have been made to the structure since that time.

The petitioner is requesting a variance to remove and replace an existing porch approximately 9.2 feet by 19.2 feet with a front setback of 14.5 feet and a left side yard of 15.3 feet and construction of a deck approximately 9.2 feet by 11.2 feet abutting the porch with less than the required front setback. A variance is also requested to bring the non-conforming dwelling with a minimum front setback of 14.5 feet and a minimum left side yard of 13.1 feet into conformance with the current Zoning Bylaw of the Town.

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A Plot Plan dated July 30, 1988 drawn by George N. Giunta, Registered Land Surveyor; Construction plans dated July 28, 1988, drawn by John Ciccariello, Registered Architect; and photographs were submitted.

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

Decision

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

It is the opinion of this Authority that the proposed reconstruction of the enclosed porch and deck addition conform to the present lines of the house and do not alter the relationship of the house to either the left side lot line or the front setback.

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.

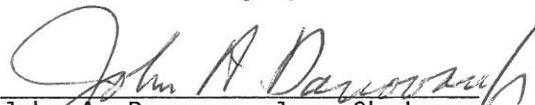
Therefore, the requested variance is granted to remove and replace the enclosed porch and construct the proposed deck subject to construction in accordance with the plot plan and construction plans as submitted and noted in the foregoing Statement of Facts.

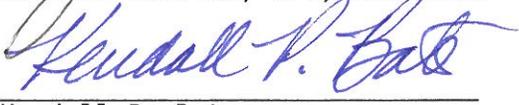
A variance is also granted from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow the existing dwelling at 18 Kendall Road with a front setback of 14.5 feet and a left side yard of 13.1 feet as shown in the Plot Plan noted in the foregoing Statement of Facts.

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.

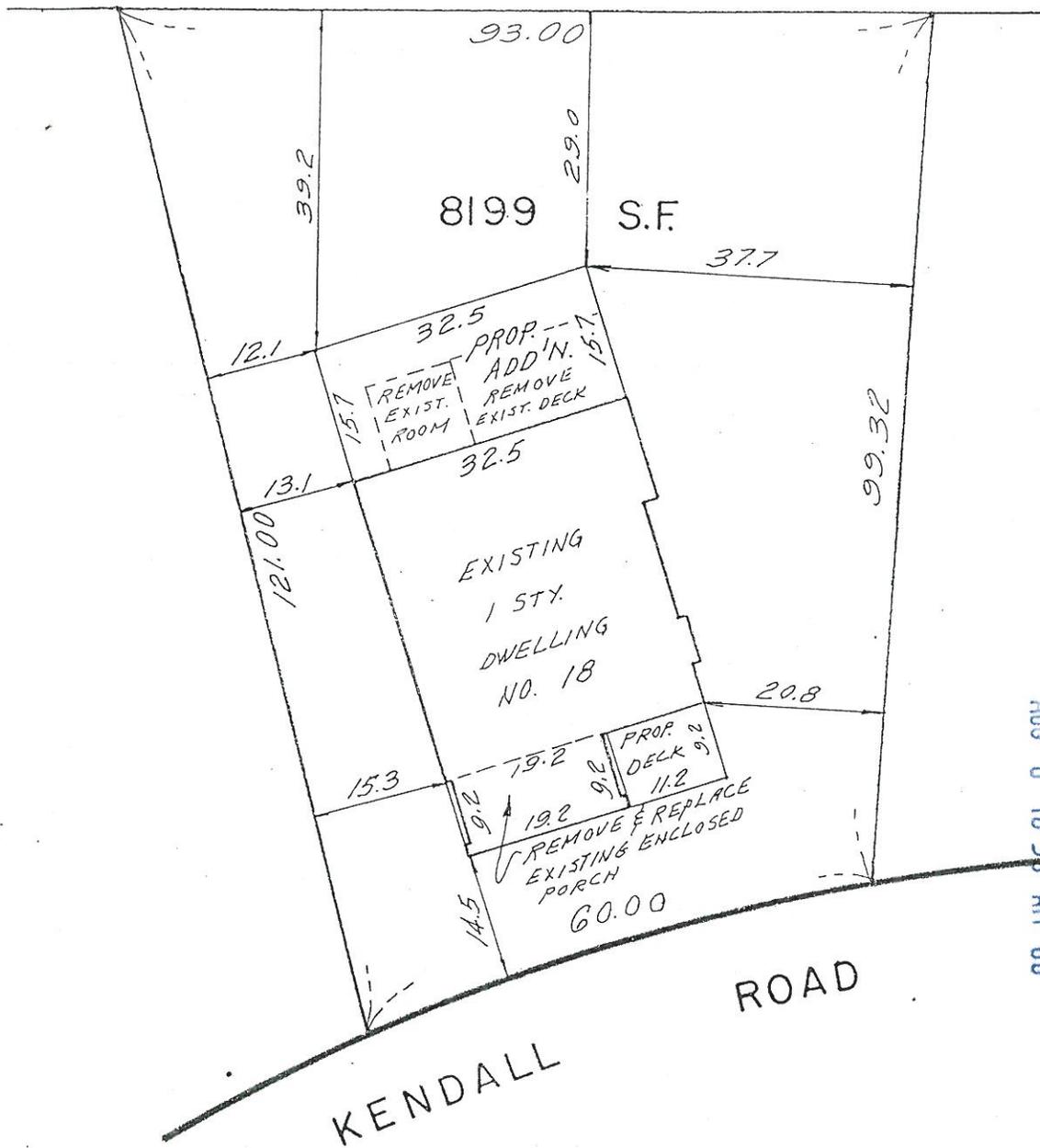
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.


John A. Donovan, Jr., Chairman


Kendall P. Bates

cc: Planning Board
Inspector of Buildings
edg


William E. Polletta



AUG 8 10 56 AM '88

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WELLESLEY, MASS.

PLOT PLAN OF LAND
IN
WELLESLEY — MASS.

JULY 30, 1988

SCALE 1" = 20'

NEEDHAM SURVEY ASSOCIATES
76 NEHOIDEN ST.
NEEDHAM, MASS.

