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ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-78

Petition of Richard and Judith Mirel  
11 Hillside Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, September 22, 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 RICHARD AND JUDITH MIREL requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow the enclosure of an existing porch approximately 30 feet by 10 feet with less than the required front setback and a semi-circular addition to said porch of approximately 120 square feet with a 6 foot diameter, leaving less than the required front setback at their non-conforming dwelling at 11 HILLSIDE ROAD, in a Single Residence District.

On September 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 at the hearing were Richard and Judith Mirel, who were accompanied by their architect, Peter Sollogub. Mr. Mirel presented letters of support from abutters. He said the house is very old and positioned so that the front of the house is perpendicular to Hillside Road and faces a shared driveway. The side of the house where the porch is located is subject to the front setback requirements.

Mrs. Mirel said that the porch is existing and that the addition, being semi-circular, would not encroach 6 feet at all points, but only at the diameter. The addition would be glass and the area is heavily screened with trees. Both the Mirels stressed that the addition would be in keeping with the architectural integrity of the house and location in any other place would destroy that integrity. If the addition were sited on the opposite side of the house, it would overlook a shared driveway and the abutting neighbor. The Mirels felt that the perpendicular location of the home presented a unique situation.

The Board felt there was sufficient space on the opposite side of the house for the addition, and insufficient hardship to allow an encroachment of 6 feet. The Board was willing to tolerate the porch enclosure, but not the encroachment of the addition.

No other persons present had any comment on the petition.

#### Statement of Facts

The non-conforming dwelling is located at 11 Hillside Road, in a Single Residence District, on a 19,127 square foot lot with a minimum front setback of 29 feet 6 inches from Hillside Road. The house is positioned perpendicular to Hillside Road.

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The petitioners are requesting a variance to enclose an existing porch approximately 30 feet by 10 feet with a minimum front setback of 29 feet 6 inches and to construct an semi-circular addition to said porch of approximately 120 square feet, with a 6 foot diameter, leaving a minimum front setback of 25 feet at the closest point of the arc to the front property line.

A Plot Plan dated June 24, 1988, drawn by John J. Regan, Registered Land Surveyor; construction plans and elevations dated June 14, 1988, drawn by JSK Architects; and photographs were submitted.

The Planning Board, on September 13, 1988, voted to oppose the granting of the variance request.

### 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 existing porch conforms to the present lines of the house and does not alter the relationship of the house to the front setback.

It is the opinion of this Authority that, because of 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 enclose the existing porch approximately 30 feet by 10 feet with a front setback of 29 feet 6 inches subject to the following condition:

1. That a new plot plan, eliminating the proposed semi-circular addition while retaining the existing porch, be submitted to the office of the Board of Appeals.

Upon the completion of the foregoing condition, 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.

In regard to the granting of a variance for the semi-circular addition approximately 120 square feet with a 6 foot diameter leaving a 25 foot front setback, this Authority fails to find "substantial hardship" within the meaning of Section XIX and Section XXIV-D of the Zoning Bylaw and finds that desirable relief cannot be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

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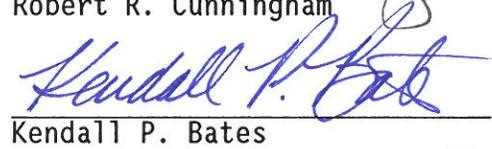
Therefore, it is the unanimous opinion of this Authority that the request for a variance to construct the above-referenced semi-circular addition be denied, and this portion of the petition is dismissed.

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.

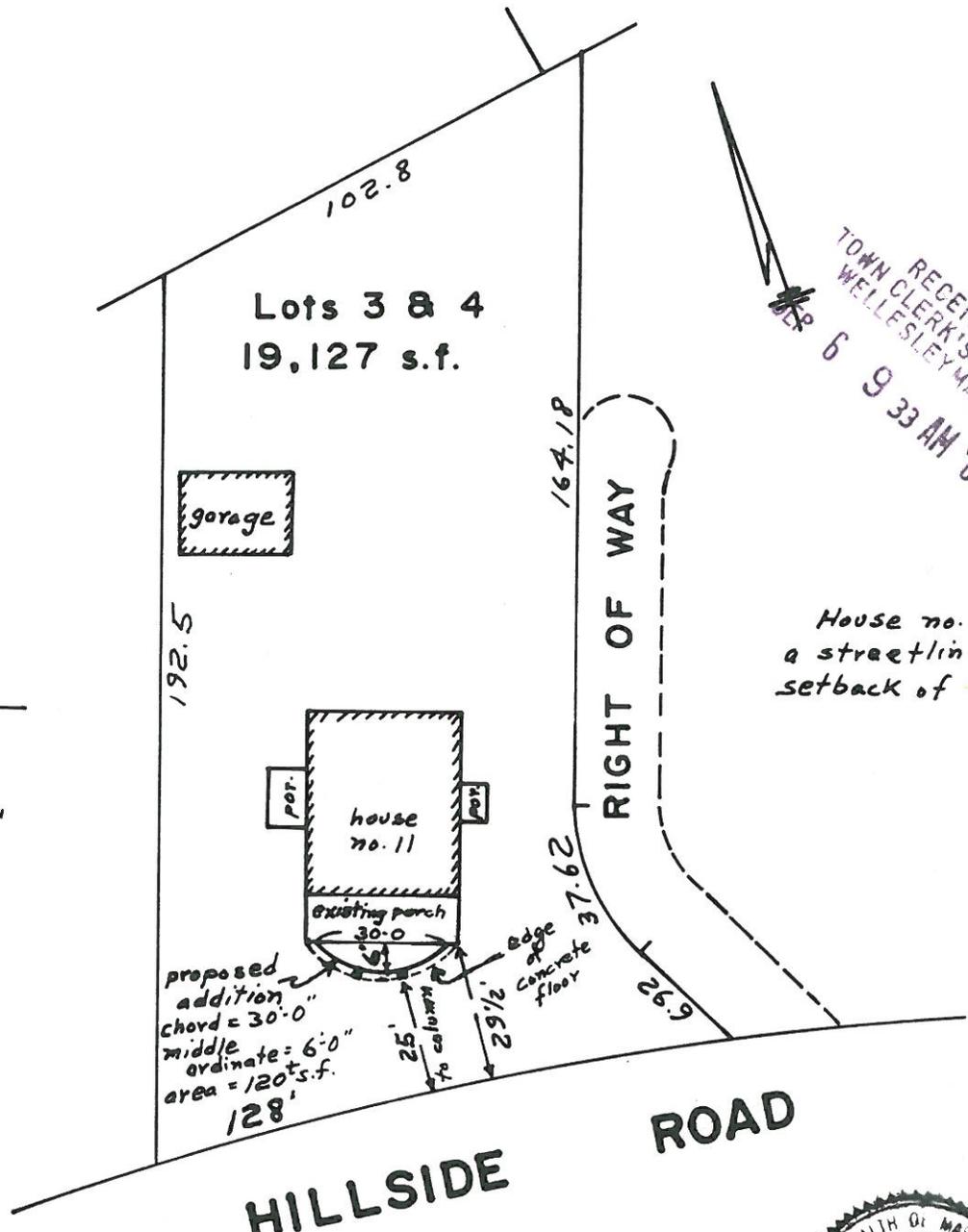
cc: Planning Board  
Inspector of Buildings  
edg

  
John A. Donovan, Jr., Chairman

  
Robert R. Cunningham

  
Kendall P. Bates

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Streetline setbacks —

- House no. 15 — 102'
- House no. 17 — 48.5'
- House no. 21 — 56'

Note:  
Lot coverage  
will be 2401± s.f.  
or 12.6%

House no. 7 has  
a streetline  
setback of 83.5'

PLAN OF LAND  
IN  
WELLESLEY MASS.

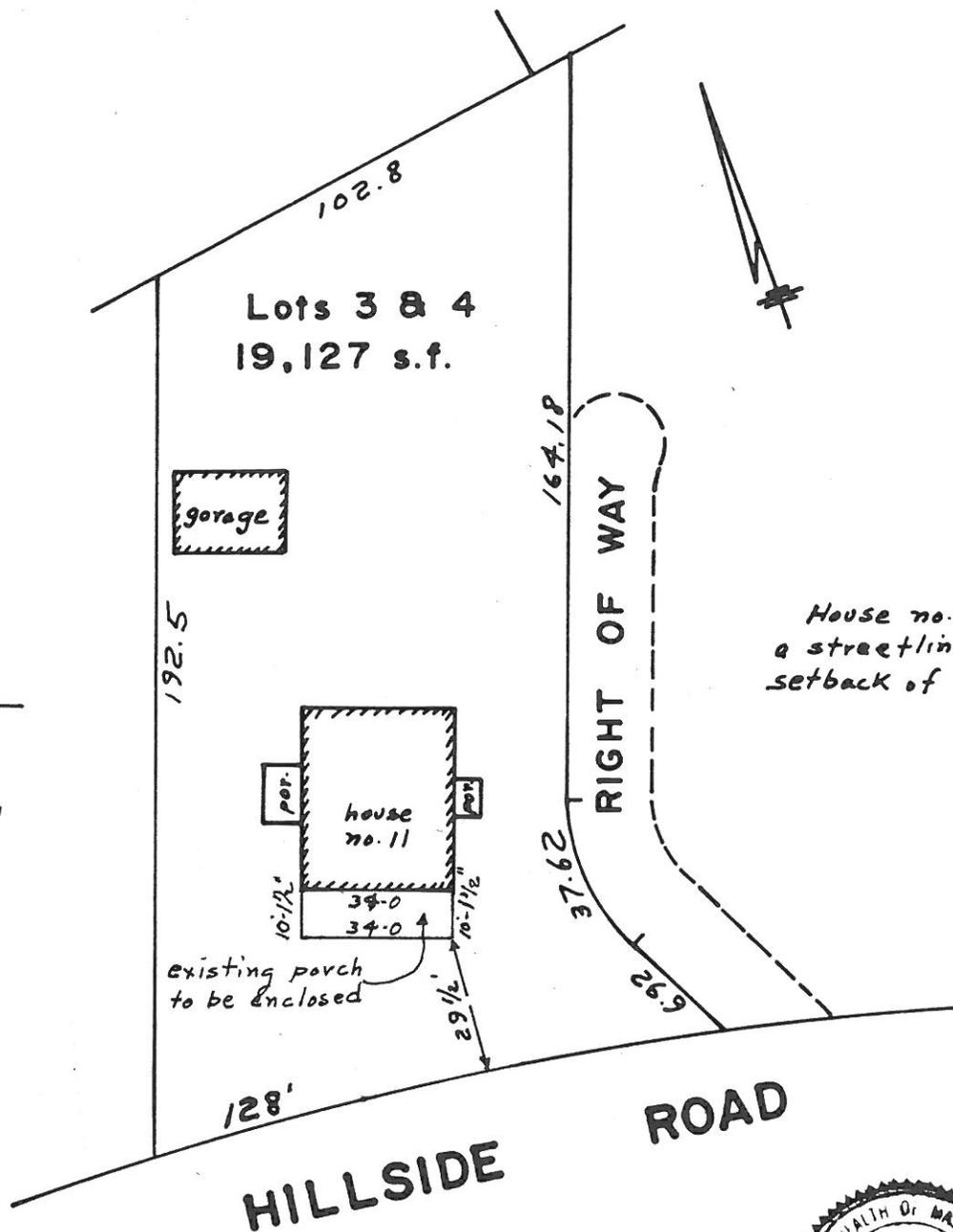
TO ACCOMPANY THE PETITION OF  
RICHARD D. & JUDITH D. MIREL  
11 HILLSIDE ROAD  
WELLESLEY



*John J. Regan*

SCALE 1 IN = 40 FT  
JOHN J. REGAN  
NEWTON HIGHLANDS

JUNE 24, 1988  
LAND SURVEYOR  
MASS.



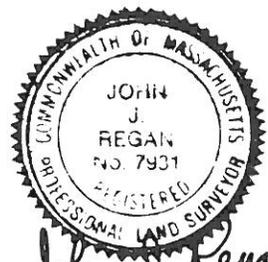
House no. 7 has a streetline setback of 83.5'

Streetline setbacks —

- House no. 15 — 102'
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**PLAN OF LAND  
IN  
WELLESLEY MASS.**

TO ACCOMPANY THE PETITION OF  
RICHARD D. & JUDITH D. MIREL  
11 HILLSIDE ROAD  
WELLESLEY



*John J. Regan*

SCALE 1 IN = 40 FT  
JOHN J. REGAN  
NEWTON HIGHLANDS

Revised Nov. 10, 1988  
JUNE 24, 1988  
LAND SURVEYOR  
MASS.