TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-86
Petition of Victor and Meiling Yuan
5 Stearns 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 VICTOR AND MEILING YUAN requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow construction of an addition approximately 4 feet by 15 feet 6 inches on the left side of their non-conforming dwelling at 5 STEARNS ROAD, in a Single Residence District, said addition to have less than the required left side yard; and an addition approximately 16 feet by 7 feet at the front left corner of said dwelling which will leave less than the required front setback and less than the required left side yard.

On September 6, 1988, the petitioners filed a request for 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 Victor Yuan, who said that he would like to construct the additions for additional space and to square off the house. One of the additions will encroach 1 foot on the left side setback. None of the neighbors are in opposition.

Statement of Facts

The non-conforming dwelling is located at 5 Stearns Road, in a Single Residence District, on a 9,617 square foot lot with a minimum front setback of 21 feet and a minimum left side yard clearance of 12 feet.

The petitioners are requesting a variance to construct two additions: 1) an addition approximately 4 feet by 15 feet 6 inches which would leave a minimum left side yard of 14.5 feet; and 2) an addition approximately 16 feet by 7 feet which would leave a minimum front setback of 21 feet and a minimum left side yard of 11 feet.

A Plot Plan dated July 6, 1988, revised August 9, 1988, drawn by James W. Bougioukas, Registered Land Surveyor; construction sketches and elevations; and photographs were submitted.

The Planning Board, on September 13, 1988, voted to offer no objection to the request.

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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 both of the proposed additions conform to the present line of the house. The left side addition does not alter the relationship of the house to the left side lot line. The left front addition will encroach 1 foot on the left side yard due to the angle of the property 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 that 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 of purpose of the Zoning Bylaw.

Therefore, the requested variance is granted to construct two additions, the left rear addition coming no closer than 14.5 feet from the left side lot line and the front left addition coming no closer than 21 feet from the front property line and 11 feet from the left side property line in accordance with the Plot Plan and construction plans submitted and detailed 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

Kendall P. Bates

cc: Planning Board
Inspector of Buildings
edg

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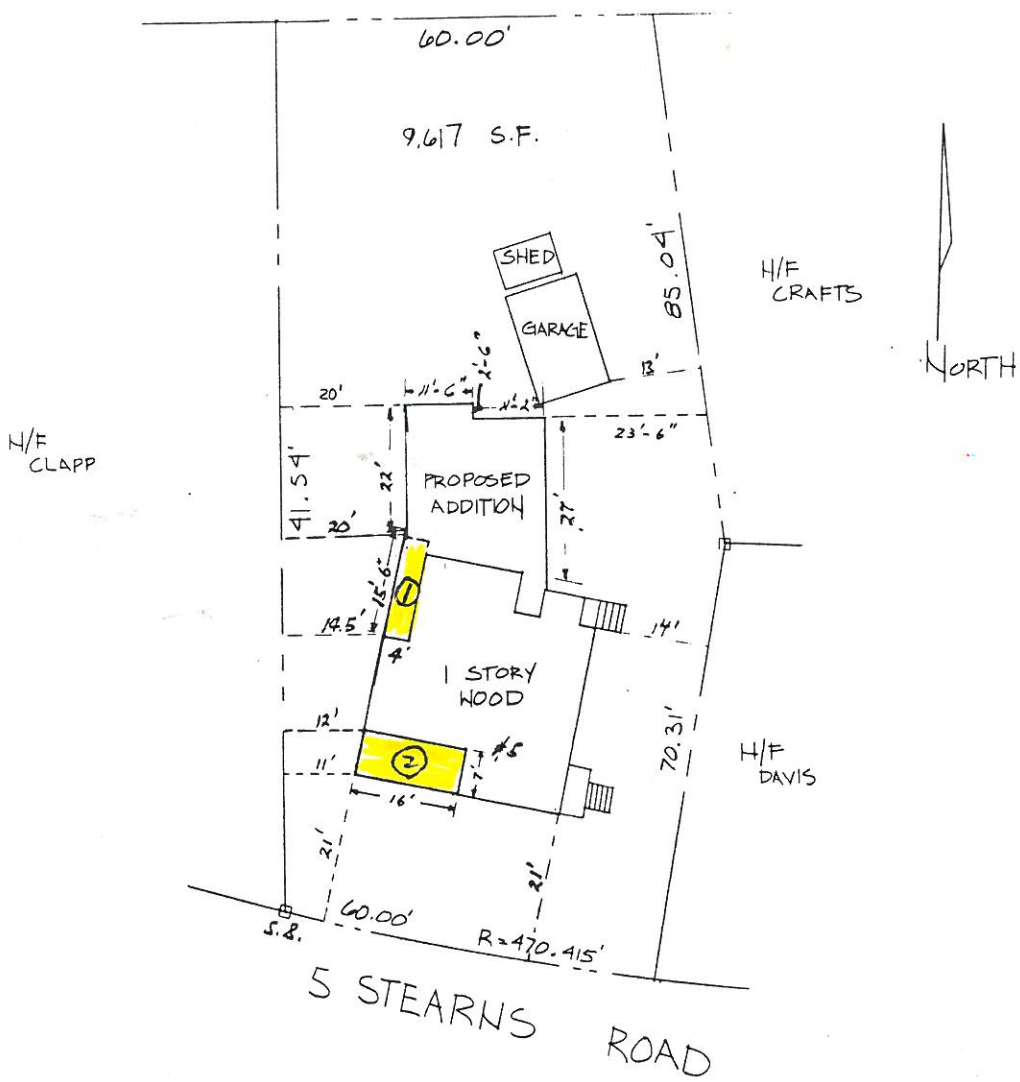

PLAN OF LAND

LOCATED IN

WELLESLEY, MA

OWNED BY

MARY YUAN
5 STEARNS RD
WELLESLEY, MA

FOR PERMIT

Zone :

DEED
BOOK 1616
PAGE 259

PLAN
BOOK 672 (1924)
PAGE

CERT. NO

JULY 6, 1988

Scale : 1" = 20'

Revised August 9, 198

James . W. BOUGIOUKAS R.L.S. # 9529

COMMONWEALTH OF MASSACHUSETTS
JAMES W. BOUGIOUKAS
No. 9529
LICENSED
LAND SURVEYOR

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