



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-91
Petition of William and Paula Kapinos
37 Cedar Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, October 20, 1988 at 8 p.m. in the Great Hall of the Town Hall, 525 Washington Street, Wellesley on the petition of WILLIAM AND PAULA KAPINOS requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow the construction of a two-story addition approximately 20.4 feet by 16.4 feet and a deck approximately 12 feet by 20.4 feet at their non-conforming dwelling at 37 CEDAR STREET, in a Single Residence District, said addition and deck to have less than the required left and right side yards.

On October 4, 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 William and Paula Kapinos, who were accompanied by their architect, John Staniunas. Mrs. Kapinos presented letters from Mr. and Mrs. Raymond Barnicle, 33 Cedar Street, and Mr. and Mrs. William Murray, 40 Cedar Street, expressing favor with the petition.

The Board questioned why the addition had been placed two feet beyond the existing corner of the house, instead of conforming to the existing line of the house.

Mr. Staniunas explained that the two feet were to provide space for an indoor fireplace to be constructed on the interior right side wall of the addition. The house had been built in a slanted position on the lot. The rear wall of the addition will be parallel to the lot line and only a small portion of the corner of the addition will encroach further on the right side lot line. The elimination of one foot would involve relocation of bathrooms on the second floor which would add to the cost appreciably.

No other persons present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 37 Cedar Street, in a Single Residence District, on a 10,861 square foot lot. Said lot has less than minimum frontage of 49.50 feet, a minimum left side yard clearance of 12.30 feet and a minimum right side yard clearance of 10.53 feet. A 12 foot right of way is located within the left side lot line.

The petitioners are requesting a variance to construct a two-story addition approximately 20.4 feet by 16.4 feet, leaving a right side yard of 9.55 feet and a left side yard of 17.67 feet; and a deck approximately 20.4 feet by 12 feet leaving a right side yard of 10.64 feet and a left side yard of 18.45 feet.

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A Plot Plan dated May 23, 1988, drawn by John J. Regan, Registered Land Surveyor; construction plans and elevations (A1-4; A1R-A4R), dated July 24, 1988, drawn by John C. Staniunas, Registered Architect; and photographs were submitted.

The Planning Board, on October 4, 1988, voted to oppose the variance to encroach further into the inadequate right side yard, but had no objection to the left side yard as there is no further encroachment on that side.

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.

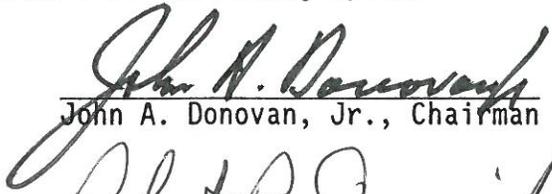
It is the opinion of this Authority that although the proposed addition will encroach .98 feet on the right side yard, that because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial 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 construct a two-story addition and a deck at 37 Cedar Street subject to construction in accordance with the plot plan and construction plans as 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.

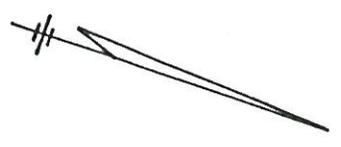

John A. Donovan, Jr., Chairman

Robert R. Cunningham

cc: Planning Board
Inspector of Buildings
edg

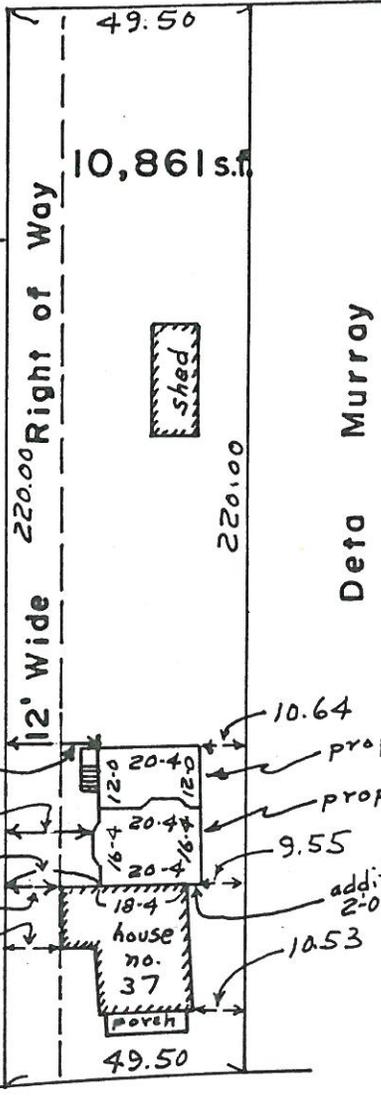
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Raymond J. & Hedwig Reynolds
Trustees of Ernest Reynolds Realty
Trust



Defta Murray

Note:
Lot coverage with
proposed addition
and deck will be
14%.

CEDAR STREET

PLAN OF LAND
IN
WELLESLEY MASS.
TO ACCOMPANY THE PETITION OF
WILLIAM J. & PAULA KAPINOS
37 CEDAR STREET
WELLESLEY



John J. Regan

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

MAY 23, 1988
LAND SURVEYOR
MASS.