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WELLESLEY, MA 02181

Dec 29 9 32 AM '88

ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181JOHN A. DONOVAN, JR., Chairman  
ROBERT R. CUNNINGHAM  
KENDALL P. BATESELLEN D. GORDON  
Executive Secretary  
Telephone  
431-1019WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCKZBA 88-99  
Petition of David N. Elan  
14 Curve Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, December 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 DAVID N. ELAN, requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow the following at his non-conforming dwelling at 14 CURVE STREET, in a Single Residence District, with less than the required front setback and less than the required left and right side yards: 1) renovation of an existing porch approximately 24.4 feet by 7.9 feet with less than the required left side yard; 2) construction of a deck at the rear of the dwelling approximately 12 feet square, with less than the required right side yard; 3) removal of existing stairs and platform and construction of a new foundation under the right rear portion of the existing dwelling, approximately 4.6 feet by 5.9 feet, with less than the required right side yard.

On November 29, 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 David N. Elan who said he wishes to enclose the existing porch and to shore up the foundation beneath the porch and the right rear corner of the house. The porch is 7 feet from his property line; his left side abutter is the same distance from the line. A thick hedge exists on the left side, screening the porch from the left side abutter.

No other person present had any comment on the petition with the exception of Mrs. Elan who fully supported the request.

Statement of Facts

The non-conforming dwelling is located at 14 Curve Street, in a Single Residence District, on a 5,752 square foot lot with a minimum front setback of 16.8 feet, a minimum left side yard clearance of 7.4 feet and a minimum right side yard clearance of 11.3 feet.

The petitioner is requesting a variance to renovate and enclose the porch which is approximately 7.9 feet by 24.4 feet with a left side yard of 7.4 feet; construct a deck at the rear of the dwelling, approximately 12 feet square, leaving a minimum right side yard of 16.9 feet; and to construct a new foundation beneath the right rear corner of the dwelling, approximately 4.6 feet by 5.9 feet, with a minimum right side yard of 11.3 feet.

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A Plot Plan dated June 28, 1988, drawn by John P. Hurney, Registered Land Surveyor; unsigned and undated construction plans and elevations; and photographs were submitted.

The Planning Board, on December 6, 1988, voted to oppose the request to enclose the porch as it would be creating living space within the inadequate side yard, and to oppose the request for the deck. It offered no objection to the request for the new foundation.

Decision

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

It is the opinion of this Authority that the enclosure of the existing porch and the construction of a new foundation beneath the right rear corner of the dwelling conform to the existing lines of the house and do not alter the relationship of the house to either the left or right side lot lines; and that the proposed deck will be less of an encroachment on the right side lot line than the existing dwelling.

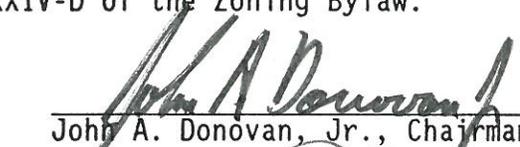
It is the opinion of this Authority that because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX would involve a substantial hardship to the petitioner and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted subject to construction in accordance with the Plot Plan and construction plans as submitted and noted in the foregoing Statement of Facts, said porch coming no closer than 10.0 feet from the front left corner and 7.4 feet from the left rear corner to the left side lot line; said deck coming no closer than 16.9 feet from the right side lot line and said foundation coming no closer than 11.3 feet from the right side lot line.

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

  
Franklin P. Parker

cc: Planning Board  
Inspector of Buildings  
edg

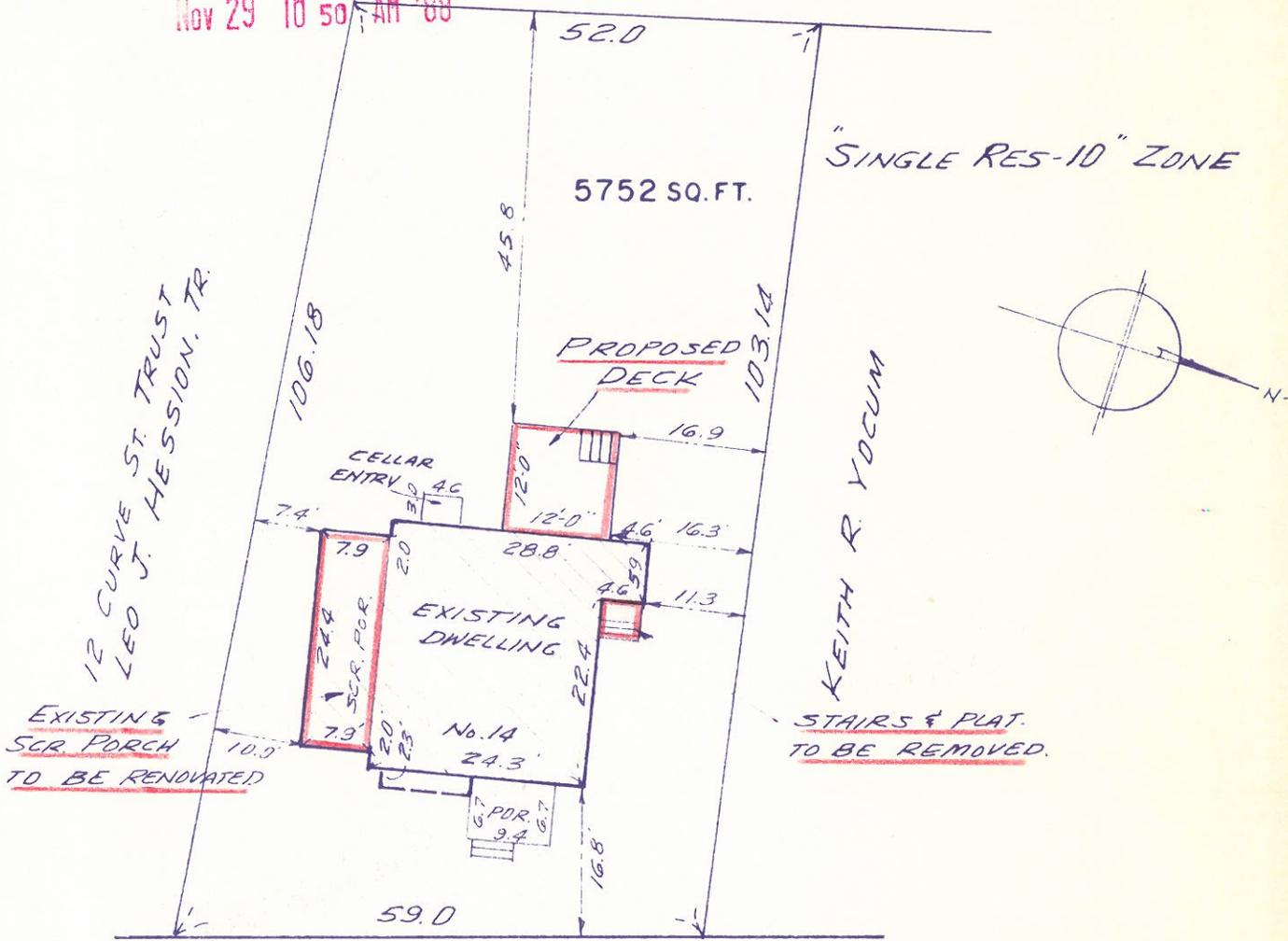
  
William E. Polletta

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Nov 29 10 50 AM '88

RENE WININGER COTTON

PLAN REF. N.R.D. BK. 1482, PG. 517  
DEED REF. N.R.D., BK. 7034, PG. 310



# CURVE STREET

EXISTING LOT COVERAGE = 18.1%  
PROPOSED LOT COVERAGE = 20.2%

I CERTIFY THAT THIS BUILDING AND THE PROPOSED DECK ARE LOCATED AS SHOWN



John P. Hurney  
Registered Land Surveyor

## PLOT PLAN OF PROPERTY IN WELLESLEY, MASS.

BELONGING TO  
DAVID N. ELAN, SYLVIA ELAN AND IRVING ELAN

SCALE: 1 IN. = 20 FT.

JUNE 28, 1988

BARNES ENGINEERING COMPANY, INC.  
411 LEXINGTON STREET  
AUBURNDALE - MASS.

15692  
576/135