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ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 89-5  
Petition of Emily M. Morse  
7 Pinevale Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 19, 1989 at 8 p.m. in the Selectment's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of EMILY M. MORSE, requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow construction of a one-story addition approximately 16 feet 8 inches by 24 feet 8 inches at her non-conforming dwelling at 7 PINEVALE AVENUE, in a Single Residence District, with less than the required front setback.

On January 3, 1989, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case was Emily Morse, who said that due to a misunderstanding, a Building Permit was granted and the foundation was dug before the need for a variance was discovered. The fireplace shown on the plan will not be constructed. There is no further encroachment on the front yard.

No persons present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 7 Pinevale Avenue, in a Single Residence District, on a 10,330 square foot lot with a minimum front setback of 24 feet.

The petitioner requests a variance to construct a one-story addition, approximately 16 feet 8 inches by 24 feet 8 inches which would have a minimum front setback of 24 feet and a left side yard of 20 feet.

Due to a misunderstanding, Building Permit #23,899 was issued to construct the addition. A week after the foundation was excavated, Ms. Morse was ordered by the Inspector of Buildings to stop further construction until a variance was obtained, as the addition had less than the required 30 foot setback from the street.

A Plot Plan dated July 25, 1986, drawn by Robert E. Devlin, Registered Land Surveyor; undated construction plans and elevations, drawn by Francis Morse, Registered Professional Engineer; and photographs were submitted.

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7 Pineval Avenue

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 one-story addition conforms to the present lines of the house and does not alter the relationship of the house to the front setback.

It is the further 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 subject to construction in accordance with the plot plan and construction plans as submitted, said addition coming no closer than 24 feet to the front property line and 20 feet to the left property line and subject to the following condition:

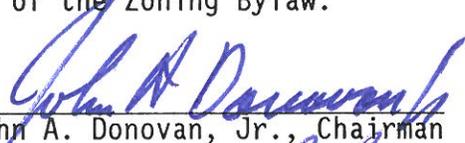
1. That the chimney shown on the plot plan as having a front setback of 23 feet shall not be constructed.

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 granted 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.

cc: Planning Board  
Inspector of Buildings  
edg

  
John A. Donovan, Jr., Chairman

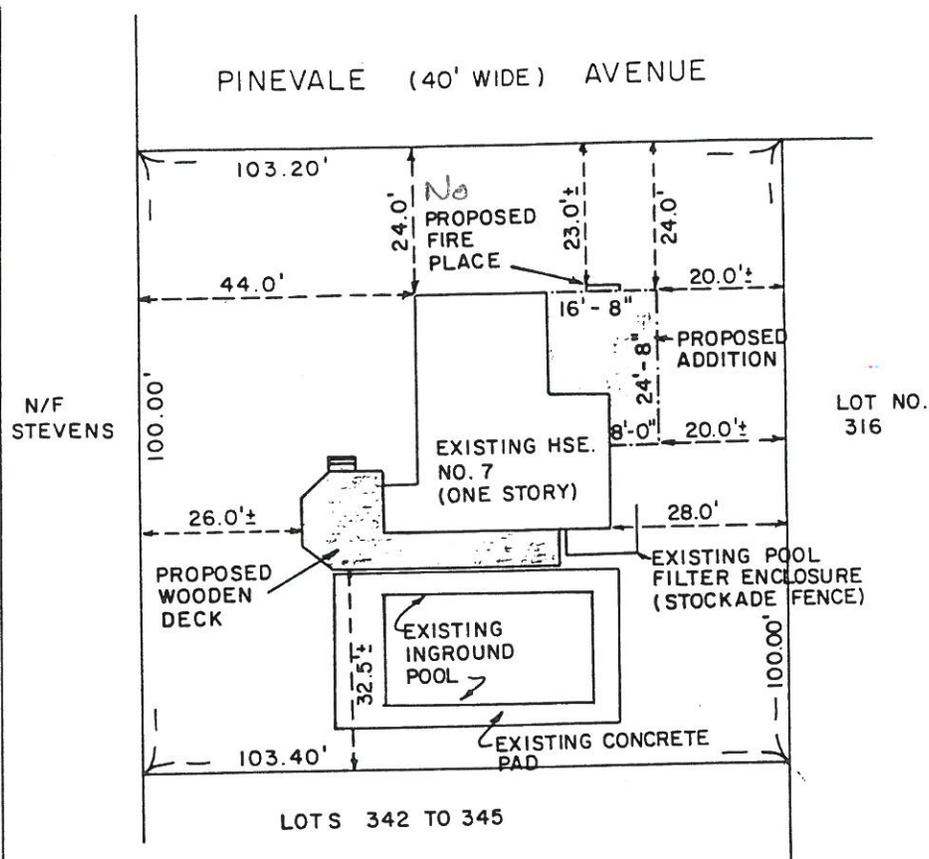
  
Kendall P. Bates

  
William E. Polletta

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**PLOT PLAN  
IN  
WELLESLEY, MASS.**

SHOWING PROPOSED ADDITION FOR THE  
ZONING BOARD OF APPEALS.

SCALE 1" = 20' JULY 25, 198

OWNER · EMILY MERGHART  
7 PINEVALE AVENUE  
WELLESLEY, MASS.

ENGINEER · ROBERT E. DEVLIN  
20 OVERLOOK DRIVE  
FRAMINGHAM, MASS

