



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

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Executive Secretary
Telephone
431-1019

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WILLIAM E. POLLETTA
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ZBA 91-28
Petition of Robert and Mary Donin
2 Woodlawn Oval

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 23, 1991 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 ROBERT AND MARY DONIN requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow the following at their nonconforming dwelling at 2 WOODLAWN OVAL, in a Single Residence District, with less than the required left and right side yards: 1. enclosure of a nonconforming porch approximately 16.5 feet by 8.3 feet with less than the required right side yard and the addition of bay windows at the front and rear of said porch, each window to be 7.5 feet by 5.5 feet with a 2 foot projection; 2. construction of a second story addition above said porch with the same dimensions, having less than the required right side yard.

On May 6, 1991, 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 was Robert Donin, who said he would like to enclose the jalousied porch, adding cantilevered bay windows at the front and back, and build a second story above the porch to provide for a bathroom and a laundry room. There are four bedrooms on the second floor, but just one bathroom which is used by five people. There would be no change in the footprint of the house.

Paul and Helen Seery, 4 Woodlawn Oval, abutters on the right side, strongly objected to the proposal as it would bring the Donin's living quarters closer to them. Mrs. Seery said that the lots are small and the houses on the lots are very close. The Seery living room is on the side of the Donin porch. She expressed concern with the loss of privacy as the total distance between the two homes is about 25 feet.

Mrs. Seery said that the light and space of their home would be compromised, and was concerned with the bulking that would occur if the bathroom addition were allowed.

Mr. Donin responded that the bathroom addition would not affect the Seery's light. Enclosure of the porch would increase, not reduce, privacy for both families. Mr. Donin explained that there was no other place to locate the bathroom. The space above the garage is the fourth bedroom which is only about 10 feet by 10 feet and does not provide sufficient space to add a bathroom.

William and Lorraine Murphy, 15 Chapel Place, expressed support for the petition.

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Statement of Facts

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91-28

The nonconforming dwelling is located at 2 Woodlawn Oval, in a Single Residence District, on a 7,855 square foot lot, with a minimum left side yard clearance of 10.8 feet and a minimum right side yard clearance of 13.8 feet.

The petitioners are requesting a variance to enclose an existing nonconforming porch, approximately 8.3 feet by 16.5 feet, with a minimum right side yard clearance of 13.8 feet, including installation of bay windows at the front and rear of said porch, each window to be 7.5 feet by 5.5 feet with a two foot projection.

The petitioners are also requesting a variance to construct a second story addition above the porch with the same dimensions of 8.3 feet by 16.5 feet and the same minimum right side yard clearance of 13.8 feet.

A Plot Plan dated April 30, 1991, drawn by Paul J. DeSimone, Registered Land Surveyor; floor plans and elevations drawn by Reconstructions, Inc.; and photographs were submitted.

Letters in support of the petition were received from Rhoda and Walter Erickson, 8 Woodlawn Oval, and William and Lorraine Murphy, 15 Chapel Place.

On May 16, 1991, the Planning Board reviewed the petition and voted to recommend that the variance be denied.

Decision

This Authority has made a careful study of the evidence presented. The subject dwelling 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 portion of the variance requested to enclose the existing nonconforming porch which includes installation of two bay windows can be granted as there would be no further encroachment of the existing nonconforming structure on the inadequate right side yard.

In regard to the portion of the variance requesting construction of the second-story addition above said nonconforming porch, it is the unanimous decision of this Authority that this portion of the variance request is denied. It is the opinion of this Authority that the additional bulk, which would be created by the construction of said addition, would be substantially more detrimental to the neighborhood than the existing nonconforming structure, particularly in light of the size of the lot and the relation of the proposed structure to that of the abutting dwelling.

Therefore, a variance is granted only to enclose the existing nonconforming porch including the installation of the two bay windows subject to construction in accordance with the Plot Plan and construction drawings as submitted and noted in the foregoing Statement of Facts.

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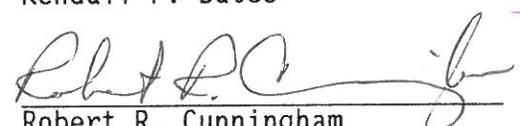
The Inspector of Buildings is hereby authorized to issue a permit for said construction upon his receipt and approval of a building application and construction plans.

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.

cc: Planning Board
Inspector of Buildings
edg

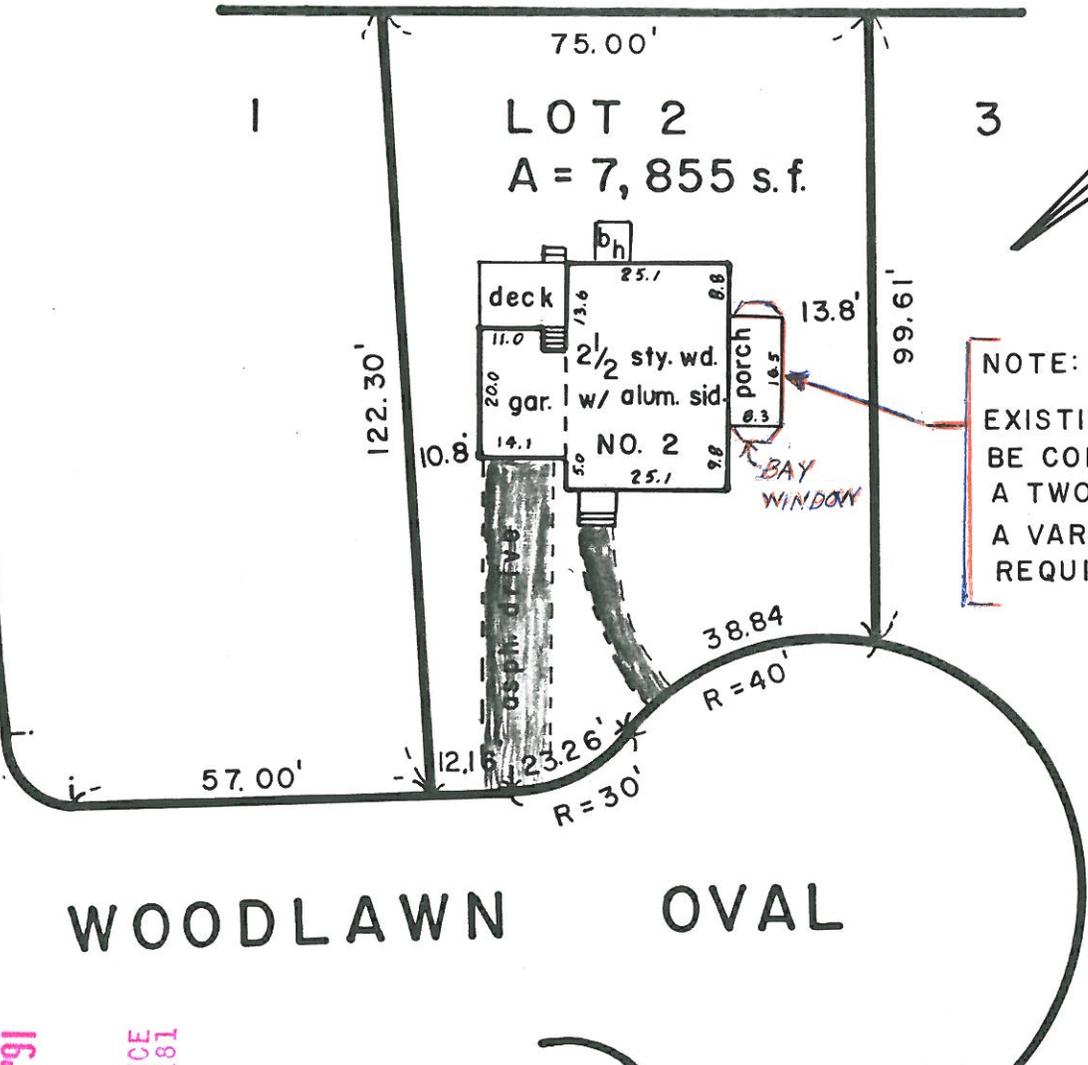

John A. Donovan, Jr., Chairman

Kendall P. Bates

Robert R. Cunningham

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N/F GERTRUDE M. GARDINER

WOODLAWN AVE.



WOODLAWN OVAL

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MORTGAGE PLOT PLAN

Location **WELLESLEY**

Scale 1 in. = 30 ft. Date APRIL 30, 1991

Plan reference: Being lot 2 on a plan
 by ROWLAND H. BARNES & HENRY F. BEAL, C.E.
 dated DECEMBER 1936. Recorded
 in NORFOLK Registry of Deeds.
 Book 2136, Page 298

SELWYN & KIRWIN ASSOC., Land Surveyors
 14 Linden Avenue, Belmont

I hereby certify that the building shown on this
 plan is located on the ground as shown thereon
 and that it conforms to the zoning and building
 laws of the TOWN OF WELLESLEY
 when constructed and to restrictions on record

Paul J. Desimone

NOTE: I HEREBY CERTIFY THAT THE PREMISES
 SHOWN ON THIS PLAN ARE NOT LOCATED WITH-
 IN THE FLOOD HAZARD AREA AS DELINEATED
 ON THE MAP OF COMMUNITY NO. 250255 - WELLESLEY
 MASS. EFFECTIVE SEPT. 5, 1979
 BY THE DEPARTMENT OF HOUSING AND URBAN
 DEVELOPMENT-FEDERAL INSURANCE ADMINISTRATION

This plot plan was not made from an instrument survey and is drawn for the use of the mortgagee, for mortgage purposes only.