



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 91-5
Petition of Barry W. Simpson
1 Pinevale Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 24, 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 BARRY W. SIMPSON requesting a variance from the terms of Section XVIII, Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow demolition of his existing nonconforming one-story dwelling and construction of a two-story single family dwelling, which would conform to all zoning requirements, on a lot which has less than the required area of 10,000 square feet, less than the required frontage of 75 feet and less than the required front yard width of 75 feet.

On January 7, 1991, the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Barry Simpson, who was accompanied by his contractor, John Reppucci. Mr. Simpson said that the existing dwelling is too small for their growing family. The house was built in the 1920's, and they wish to modernize and upgrade their living conditions.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 1 Pinevale Avenue, in a Single Residence District in which the minimum lot size is 10,000 square feet, on a 7,012 square foot lot with minimum frontage of 69.50 square feet and minimum front yard width of 69.50 square feet. A one-story single family dwelling, with less than the required right side yard, exists on the property. The dwelling was constructed in the 1920's, prior to area requirements.

The petitioner is requesting a variance to demolish the existing dwelling and construct a two-story dwelling, approximately 28 feet by 40 feet, which will be in compliance with front, side and rear setback requirements, on a lot which has less than the required area in a 10,000 square foot district, and less than the required frontage and front yard width of 75 feet. Due to the change in the Zoning Bylaw enacted in 1989, frontage and front yard width requirements increased from 60 feet to 75 feet in a 10,000 square foot district, rendering the property nonconforming in these respects.

A Plot Plan dated November 24, 1990, drawn by Bruce P. Eaton, Professional Land Surveyor; construction drawings and elevations dated December 18, 1990, drawn by Great Woods Post & Beam Co., Inc.; and photographs were submitted.

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The Planning Board, on January 22, 1991, voted to offer no objection to the granting of the request.

Decision

This Authority has made a careful study of the evidence presented. The area, frontage and front yard width of the property at 1 Pinevale Avenue are nonconforming as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that literal enforcement of the provisions of Section XVIII and Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner, which was not self-created; and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

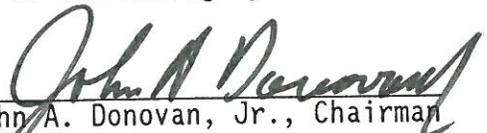
Therefore, the requested variance is granted to construct a two-story single family dwelling on a lot with less than the required area, frontage and front yard width subject to construction in accordance with the Plot Plan and construction drawings as submitted and noted in the foregoing Statement of 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.

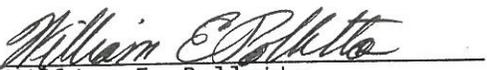
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Robert R. Cunningham


William E. Polletta

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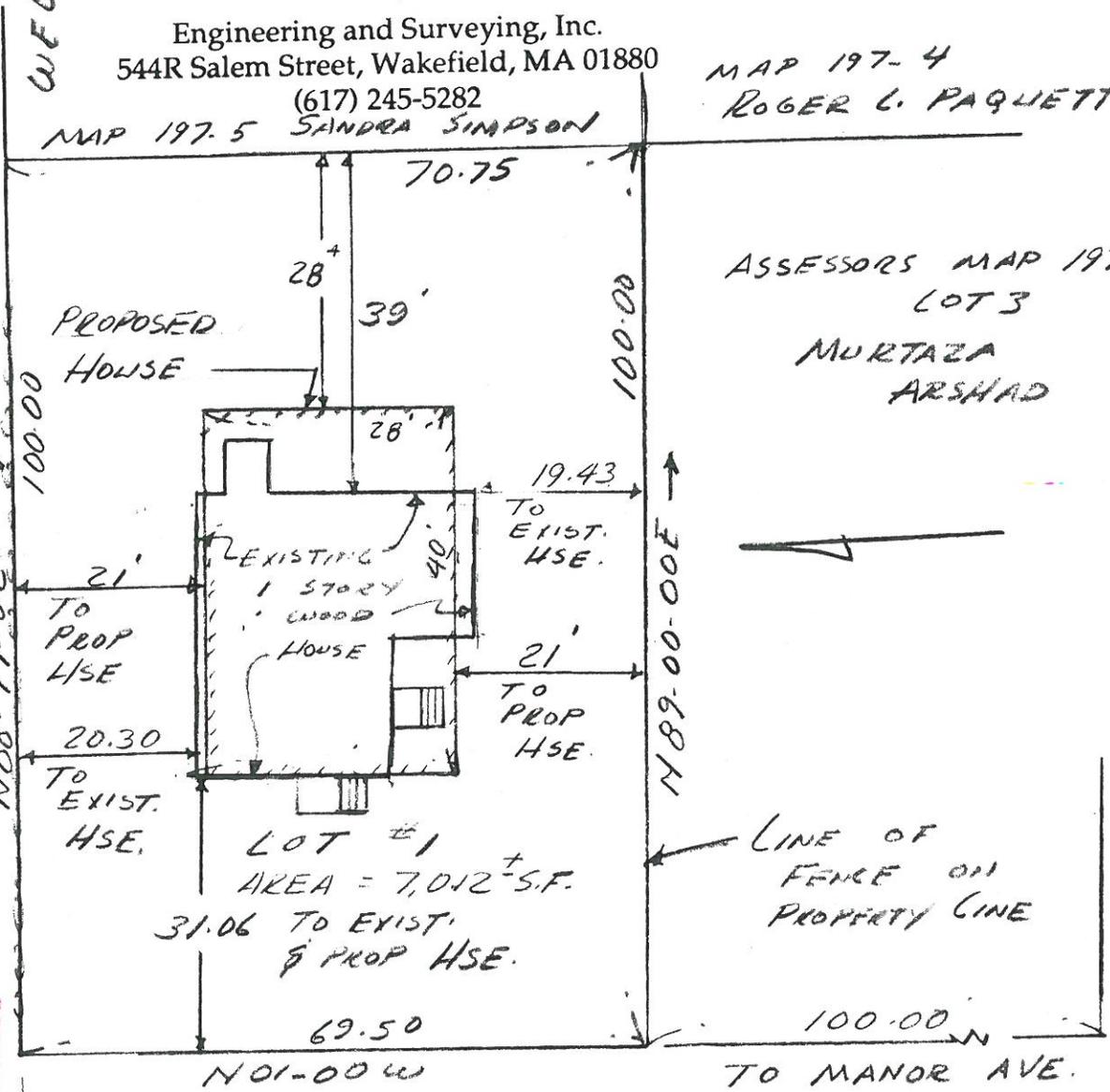
CAS

Engineering and Surveying, Inc.
544R Salem Street, Wakefield, MA 01880
(617) 245-5282

MAP 197-4
ROGER C. PAQUETTE

MAP 197.5 SANDRA SIMPSON

WELLESLEY
LINE OF STONE WALL
WESTON



ASSESSORS MAP 197
LOT 3
MURTAZA
ARSHAD

MANOR AVE

LOT #1
AREA = 7,012 ± S.F.
31.06 TO EXIST.
& PROP HSE.

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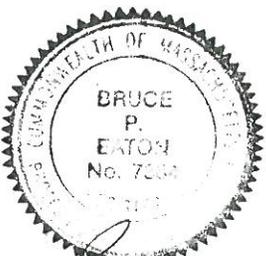
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PINEVALE AVE

MAP 197-1A
PATRICIA CANNON

PLOT PLAN
FOR
SIMPSON

IN
WELLESLEY, MA.
SCALE: 1" = 20' NOV. 24, 1990



Bruce P. Eaton
BRUCE P. EATON P.L.S.