



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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Aug 21 6 AM '92
TOWN ENGINEER'S OFFICE
WELLESLEY, MA 02181

ZBA 92-38
Petition of Lee M. Drescher
53 Windsor Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, August 13, 1992 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley on the petition of LEE M. DRESCHER requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of a one-story mudroom/storage area approximately 3.7 feet by 13 feet on the left side of her nonconforming dwelling with less than the required left side yard at 53 WINDSOR ROAD, in a Single Residence District. Said addition is proposed in conjunction with construction of an allowed deck and family room.

On July 13, 1992, 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 Lee Drescher, who said that her house is already nonconforming on the left side, and that she wishes to fill in the jog at the left rear side with a storage area addition. The addition will not come any closer to the left side line than the existing house.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 53 Windsor Road on a 23,600 square foot lot in a Single Residence District and has a minimum left side yard clearance of 17.7 feet from the left rear corner of the nonconforming dwelling.

The petitioner is requesting a variance to construct a one-story mudroom addition approximately 3.7 feet by 13 feet at the left side of the nonconforming dwelling which would leave a minimum left side yard clearance of 17.5 feet at the left rear corner.

A Plot Plan dated July 1, 1992, revised July 7, 1992, drawn by Bradford Saivetz, Registered Land Surveyor; floor plans and elevation sketches; and photographs were submitted.

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On June 18, 1992, the Wetlands Protection Committee voted to issue a Negative Determination of Applicability with Conditions as the proposed construction is in a Buffer Zone.

On July 14, 1992, the Planning Board reviewed the petition and voted to offer no objection to the request.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the present Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the encroachment of the proposed one-story mudroom addition of .2 feet on the left side lot line is de minimus and can be allowed.

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 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 the one-story mudroom addition subject to construction in accordance with the plot plan and construction sketches as submitted and described in the foregoing Statement of Facts; and subject to conformance with the Conditions listed in the Notice of Determination issued by the Wetlands Protection Committee.

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

If the rights authorized by this variance are not exercised within one year of the date of grant of said 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.

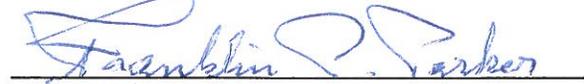
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Inspector of Buildings
Wetlands Protection Committee

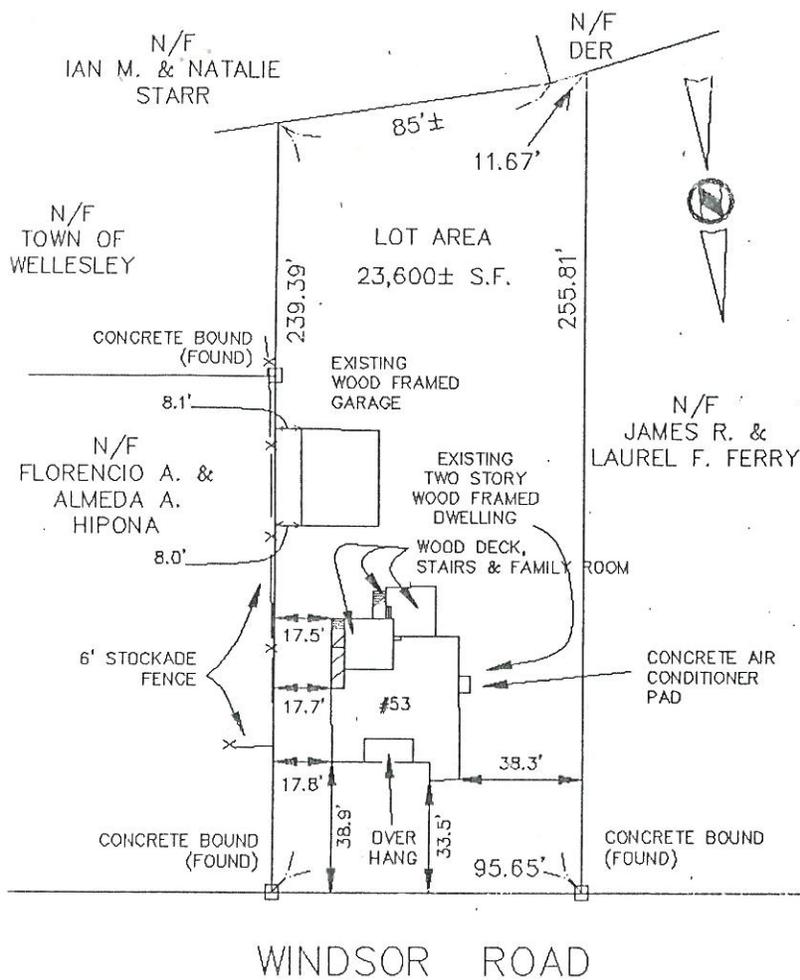
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John A. Donovan, Jr., Chairman


Kendall P. Bates


Franklin P. Parker

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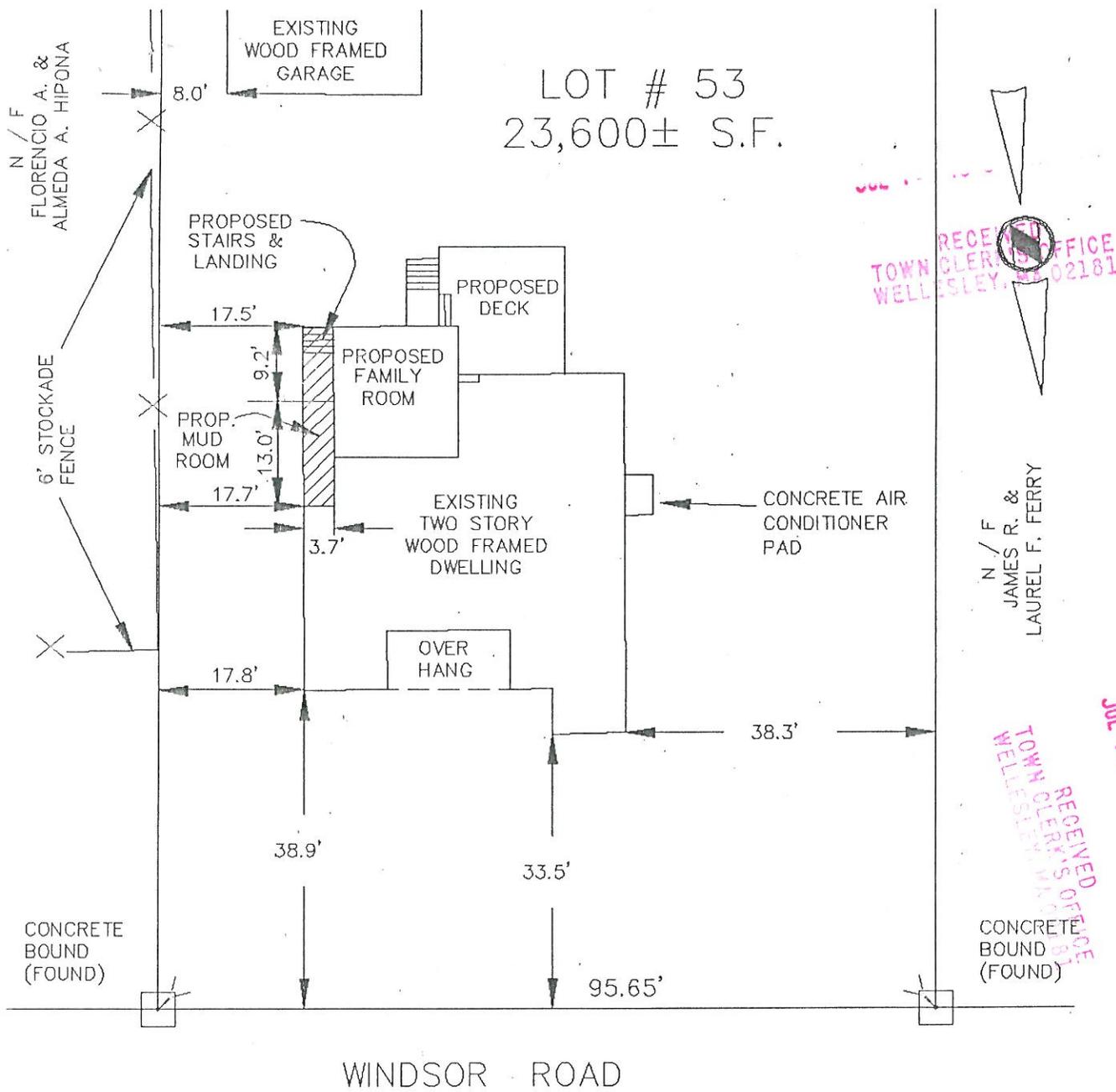
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WELLESLEY, MA 02181

PLOT PLAN
LOT 53
WELLESLEY MA.

BRADFORD SAIVETZ & ASSOCIATES, INC.
ENGINEERS AND ARCHITECTS
BRAINTREE, MASS. 02184
SCALE: 1"=60' DATE: JULY 1, 1992
REVISED: JULY 7, 1992



Bradford Saivetz
VII-7-92



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JAMES R. &
LAUREL F. FERRY

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DETAIL PLOT PLAN
LOT 53
WELLESLEY MA.

BRADFORD SAIVETZ & ASSOCIATES, INC.
ENGINEERS AND ARCHITECTS
BRAintree, MASS. 02184
SCALE: 1"=20' DATE: JULY 1, 1992
REVISED: JULY 7, 1992

COMMONWEALTH OF MASSACHUSETTS
BRADFORD SAIVETZ
No. 5495
REGISTERED LAND SURVEYOR

Bradford Saivetz

VII-7-92