



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

SEP 10 8 27 AM '92

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WELLESLEY, MA 02181

ZBA 92-42
Petition of Willis G. Parsons
57 Avon Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, August 27, 1992 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 WILLIS G. PARSONS 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 deck, approximately 12.6 feet by 20 feet, constructed at the left rear side of the nonconforming dwelling with less than the required left side yard at 57 AVON ROAD, in a Single Residence District, to remain. Said deck was constructed without a building permit and has less than the required left side yard.

On August 10, 1992, 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 Willis Parsons, who said that when he constructed the deck and a playhouse for his children, he was unaware that he needed a building permit. The deck is flush to the northwest corner of the house, but has less than the required 20 foot setback.

Mr. Parsons said the playhouse was begun 3 weeks after the deck construction. When informed that a building permit was required for both structures, he stopped construction. He moved the 64 square foot playhouse from its location 3 feet from the lot line to the required 6 feet. The playhouse has been inspected and permitted by the Building Inspector.

The Board stated that it does not condone any construction done without a building permit and without the required variances.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 57 Avon Road, in a Single Residence District, on a 14,587 square foot lot, with a minimum

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left side yard clearance of 10.34 feet from the front left corner of the dwelling. The property is owned by Dr. and Mrs. K. Frank Austen and is leased to their son-in-law, the petitioner.

The petitioner is requesting a variance to allow the deck, approximately 12.6 feet by 20 feet, with a minimum left side yard clearance of 11.40 feet from the front left corner and 12.21 feet from the left rear corner, which was constructed without a building permit, to remain. A Notice of Violation was issued by the Inspector of Buildings on July 6, 1992 for the construction of the playhouse and the deck.

A Plot Plan dated July 8, 1992, drawn by John J. Regan, Professional Land Surveyor; a description of the construction, and photographs were submitted.

On August 11, 1992, the Planning Board reviewed the request and voted to offer no comment on the petition.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject deck in its location on the lot does not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that said deck conforms to the present lines of the house and does not alter the relationship of the house to the left side lot line.

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.

Although this Authority does not condone the illegal construction of said deck, it is granting the requested variance to allow the deck to remain on the condition that an application for a building permit be submitted to the Inspector of Buildings within 30 days of the grant of this decision. If this condition has not been met, the Inspector of Buildings, in his capacity as Zoning Enforcement Officer, shall institute enforcement proceedings.

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

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

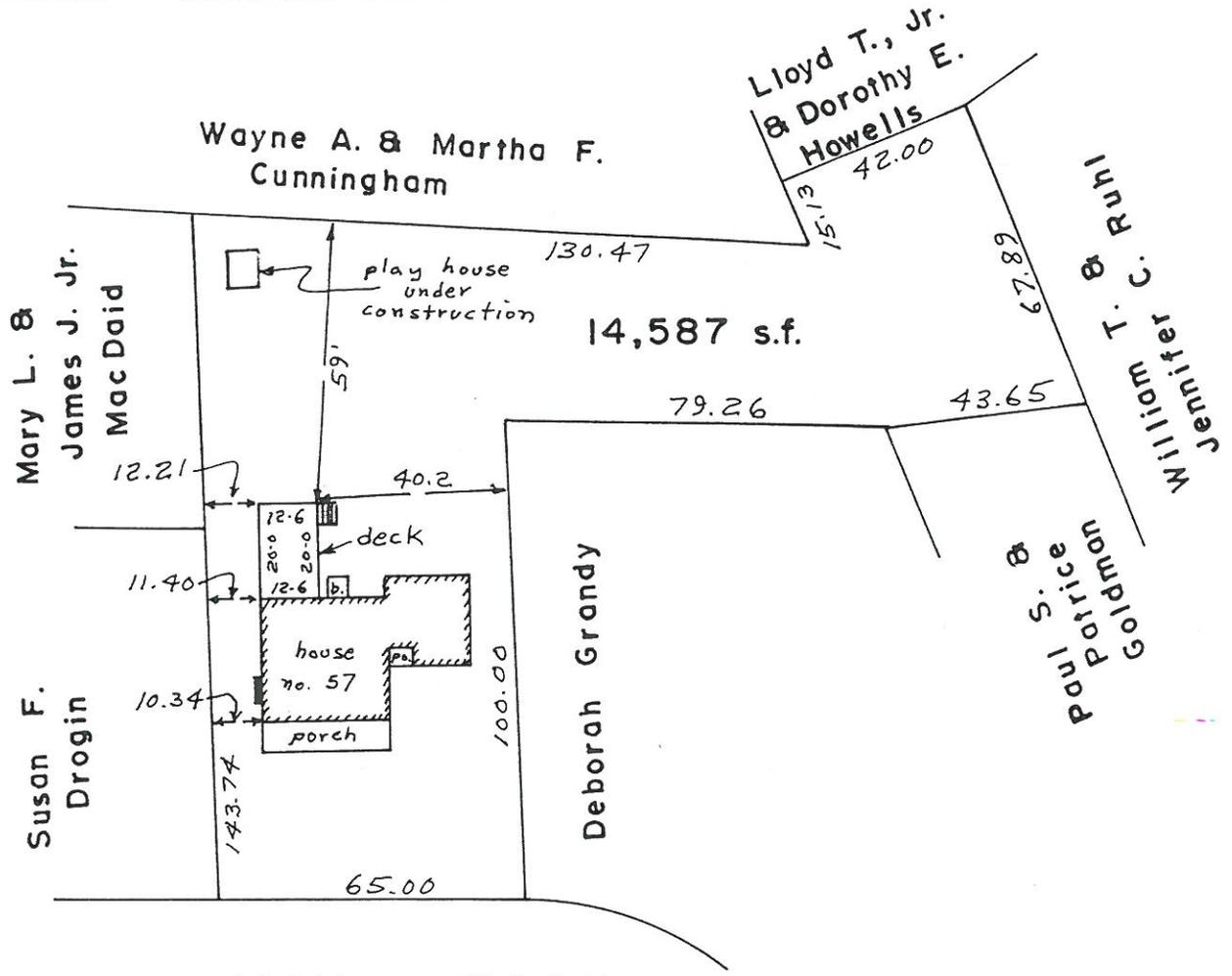

Kendall P. Bates, Acting Chairman


Robert R. Cunningham

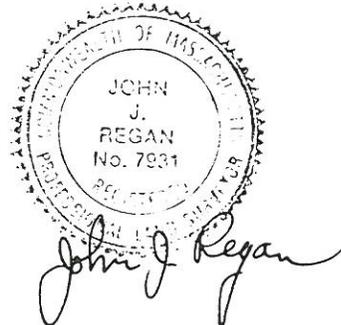

Franklin P. Parker

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Note: Lot coverage with deck will be 1516± s.f. or 10.4%



**PLAN OF LAND
IN
WELLESLEY MASS.
TO ACCOMPANY THE PETITION OF
WILLIS & LESLIE PARSONS
57 AVON ROAD
WELLESLEY**

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SCALE 1 IN = 40 FT
JOHN J. REGAN
NEWTON HIGHLANDS

JULY 8, 1992
LAND SURVEYOR
MASS.