



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 94-1  
Petition of Alan B. and Luise C. Dittrich  
20 Orchard Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 13, 1994 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 ALAN B. AND LUISE C. DITTRICH requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to demolish their existing rear entry and bath and construct a one-story addition approximately 14 feet by 20 feet, with a deck approximately 13 feet by 19 feet above the addition, at their nonconforming dwelling with less than the required left side yard at 20 ORCHARD STREET, in a Single Residence District. Both the addition and deck will have less than the required left side yard.

On December 27, 1993, the petitioners 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 Alan Dittrich, who was accompanied by his builder, Russell Santoro. Mr. Santoro said that the request was to construct an addition at the rear of the nonconforming house, which would not come any closer to the left side line than the existing house. The addition would include a kitchen, family room, and a half-bath. A portion of the existing structure would be removed to provide for the addition.

No other person present had any comment on the petition. As there was no further discussion, the Board voted to grant the variance.

Following the vote, Mr. Santoro asked if the kitchen window could be changed to a box window which would extend about 10 inches on the left side of the house. The Board noted that the new setback would then be about 11 feet rather than the 12 feet shown on the plot plan. The Board asked where the dwelling of the left side abutter was located in relation to the common lot line. Mr. Dittrich said that the house was located on the far left side of its lot.

The Board decided that a new plot plan and construction drawings would be required. The Board noted that if the request were allowed, there would be a defect in the petition as the window had not been legally noticed. Mr. Dittrich agreed to take the risk of a flawed petition.

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### Statement of Facts

The nonconforming dwelling is located at 20 Orchard Street, in a Single Residence District, on a 9,460 square foot lot, with a minimum left side yard clearance of 12 feet.

The petitioners are requesting a variance to demolish an 8 foot by 10.35 square foot structure at the rear of their dwelling and construct a one-story addition approximately 20 feet by 14 feet which would have a minimum left side yard clearance of 12 feet, with a deck approximately 19 feet by 13 feet on top of the addition, which would have a minimum left side yard clearance of 13 feet.

The petition was verbally amended at the Public Hearing to include installation of a box window approximately 4.3 feet by 5.5 feet by 1 foot, which would leave a minimum left side yard clearance of 11 feet.

A Plot Plan dated November 17, 1993, drawn by Alexander V. Zaleski, Registered Professional Land Surveyor; unsigned, undated floor plans and elevation drawings; and photographs were submitted.

Subsequent to the hearing, a revised plot plan dated 1/31/94, drawn by Alexander V. Zaleski Registered Land Surveyor, was submitted showing the addition of a box window with a width of 4.3 feet and a projection of 1 foot, leaving a minimum left side yard clearance of 11 feet. Revised floor plans and elevations dated 1/31/94, drawn by Russell Santoro, were also submitted.

### 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 current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed one-story addition with the deck area above the addition conforms to the present lines of the house and does not alter the relationship of the house to the left side lot line.

In regard to the proposed box window, it is the opinion of this Authority that as the window will have no foundation, and will extend only one foot more into the minimum left side yard, it also can be allowed.

It is the further 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 petitioners, and that desirable relief may

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be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

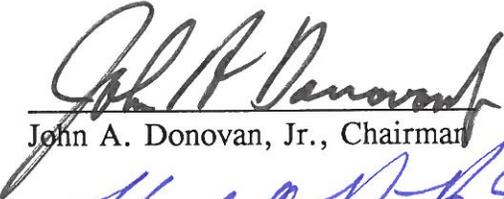
Therefore, the requested variance is granted to demolish the existing rear entry and half-bath, and to construct the proposed one-story addition, roof deck and box window in accordance with the revised plot plan dated 1/31/94 and the revised construction drawings dated 1/18/94.

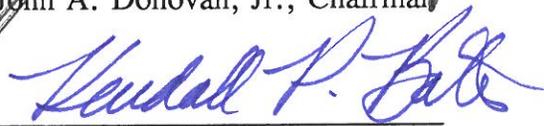
The Inspector of Buildings is hereby authorized to issue a permit for construction upon his receipt and approval of a building application and detailed construction plans.

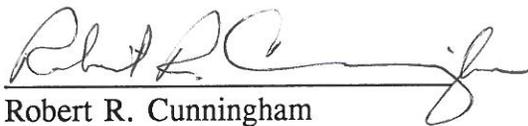
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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

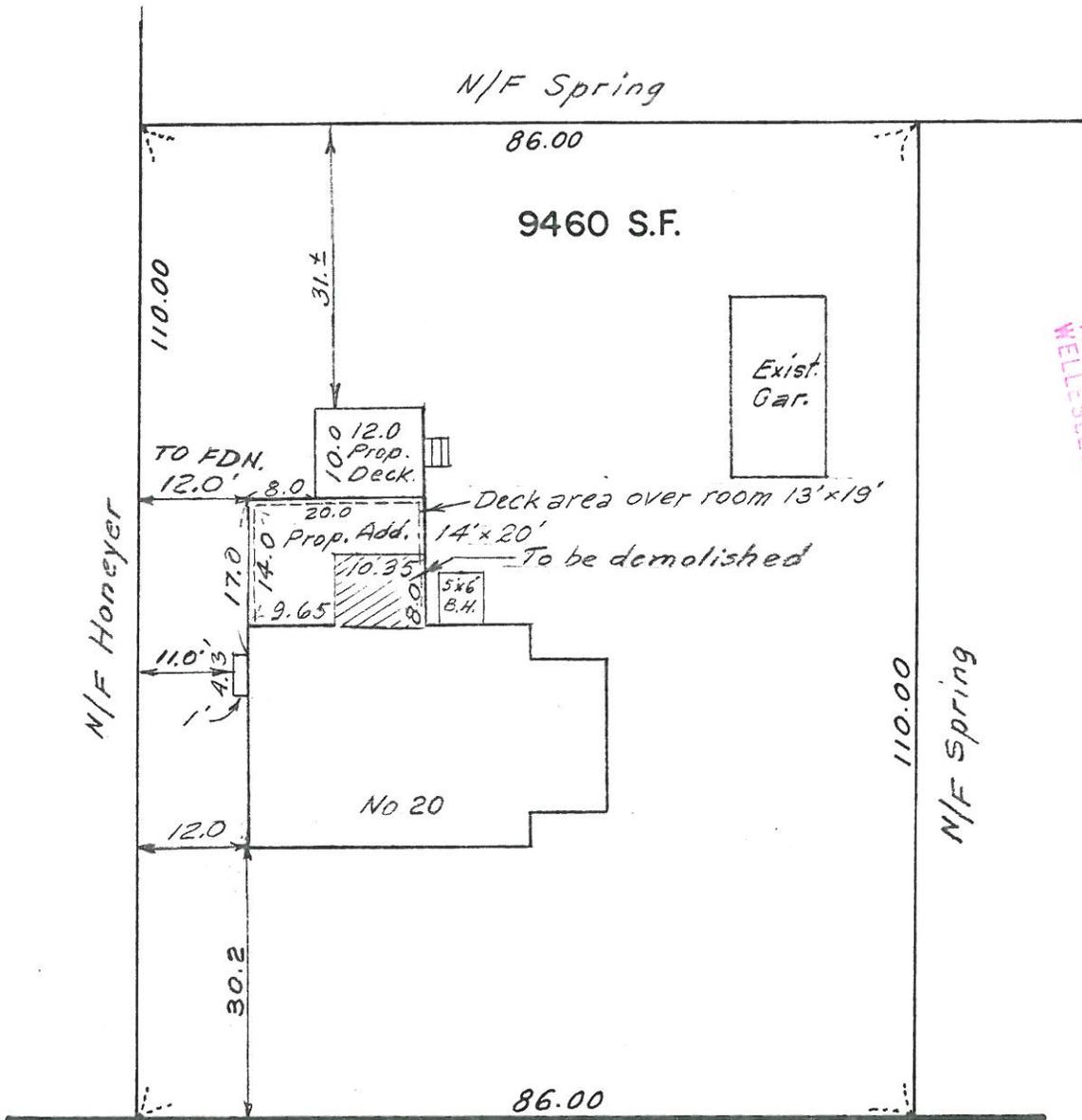
  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

  
Robert R. Cunningham

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ORCHARD

STREET

PLAN OF LAND IN  
**WELLESLEY, MASS.**

SHOWING PROPOSED ADDITION AT NO. 20 ORCHARD STREET

NOVEMBER 17, 1993

ALEXANDER V. ZALESKI

SCALE: 1" = 20'

REG. LAND SURVEYOR



Total Structures = 16.17% of Lot

Rev. 12.1.93  
Rev. 1.31.94