



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 94-38  
Petition of Joseph C. and Sandra N. Avellone  
21 Elm Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 26, 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 JOSEPH C. AND SANDRA N. AVELLONE requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow demolition of an existing concrete stair and construction of a one-story addition approximately 30 feet by 31.66 feet with less than the required left side yard setback at their nonconforming dwelling, with less than the required left side yard setback, at 21 ELM STREET, in a Single Residence District.

On May 9, 1994, the petitioners filed a request for 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 Joseph Avellone, who was accompanied by his wife, Sandra, and his architect, Jan Gleysteen. Mr. Avellone stated that he would like to add a family room at the rear of their home. The house was built in 1929 and does not conform to the left side yard setback requirement. The new addition will be somewhat recessed from the existing structure.

The Board asked why the addition had not be sited to conform at the left rear corner. Mr. Gleysteen responded that they were attempting to both create window space and not to disturb a specimen tree in the back yard.

No other person present had any comment on the petition.

#### Statement of Facts

The subject nonconforming dwelling is located at 21 Elm Street, on a 20,787 square foot lot, in a Single Residence District, and has a minimum left side yard clearance of 14.7 feet.

The petitioners are requesting a variance to demolish a concrete stair and construct a one-story addition approximately 30 feet by 31.66 feet, which will have a minimum left side yard clearance of 14.8 feet at the left front corner and 18.87 feet at the left rear corner.

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A plot plan dated May 2, 1994, drawn by James W. Chisholm, Registered Land Surveyor; Floor plans and elevations dated May 4, 1994, drawn by Jan Gleysteen; and photographs were 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 addition 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 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 petitioner, and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

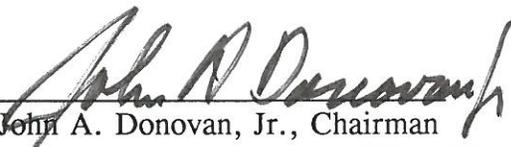
Therefore, the requested variance is granted subject to construction in accordance with the plot plan and construction drawings submitted as noted in the foregoing Statement of Facts.

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

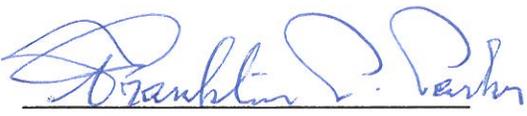
If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

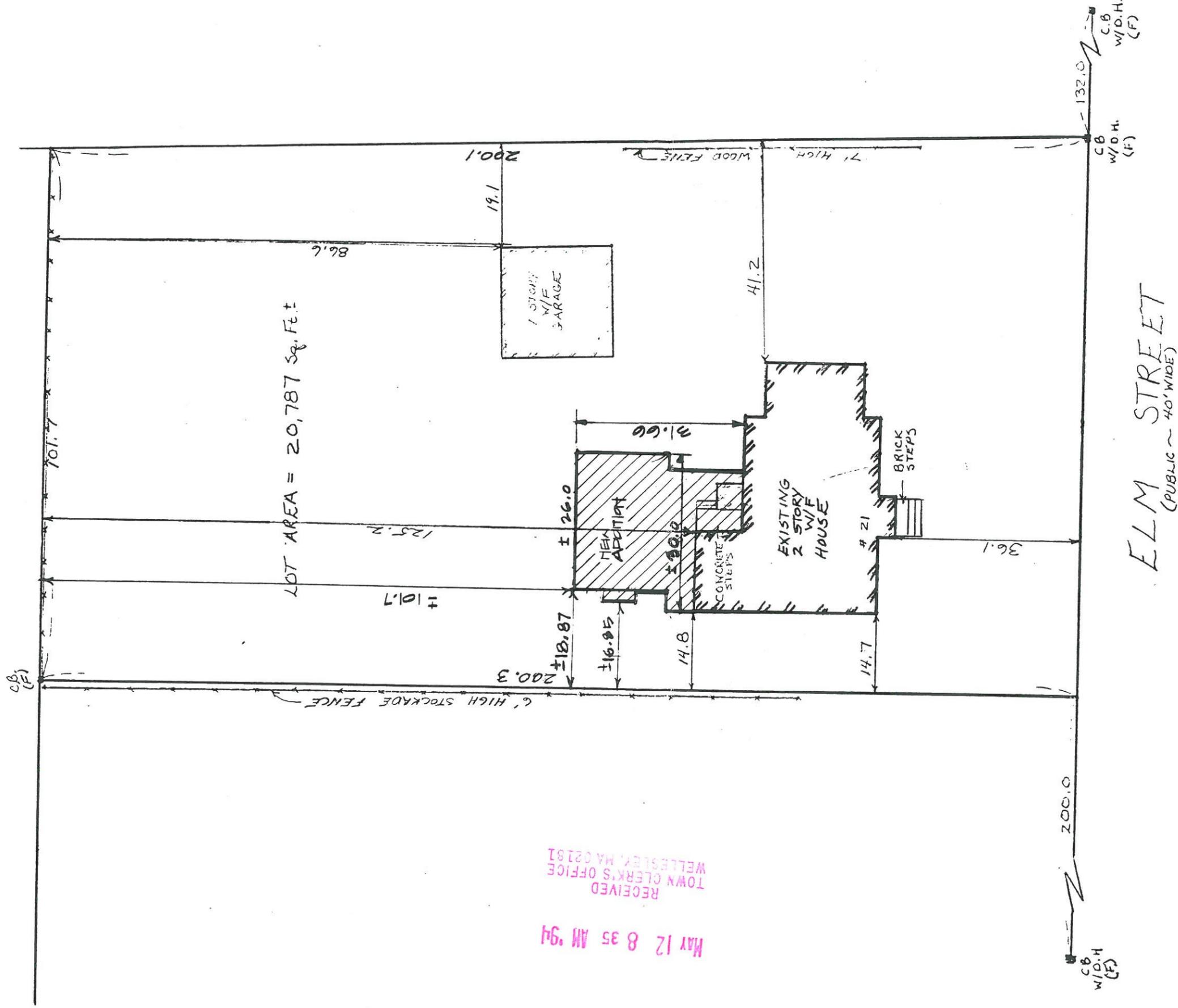
cc: Planning Board  
Inspector of Buildings  
edg

  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

  
Franklin P. Parker

SPECIAL FLOOD HAZARD AREA (FIA) IS NOT APPLICABLE  
 AS DELINEATED ON FEMA MAP 250255 0056 DATED SEPTEMBER 5, 1979.



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"I CERTIFY THAT THE EXISTING HOUSE AND GARAGE ARE LOCATED ON THE LOT AS SHOWN"



P.L.S. *James W. Chisholm*  
 DATE 5/2/94

PREPARED FOR: JOSEPH & SANDRA AVELLONE  
**PLOT PLAN OF LAND**  
 IN  
**WELLESLEY, MASS.**  
 SCALE: 1" = 20 FEET DATE: MAY 2, 1994  
**THE JILLSON COMPANY, INC.**

P.O. Box 2135  
 FRAMINGHAM, MA 01701  
 (508) 877-9016 (508) 877-9684