



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 94-46
Petition of Marcia and Richard Weaver
19 Fife Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, July 28, 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 MARCIA AND RICHARD WEAVER 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 addition approximately 10.5 feet by 10.5 feet with less than the required left side yard at their dwelling at 19 FIFE ROAD, in a Single Residence District.

On July 11, 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 Marcia Weaver, who said that her lot has an irregular shape and is located at the end of Fife Road. She would like to add a dining area, which will be nonconforming on the left side. If the dining area were to be made any smaller, it might comply with zoning, but would not be worth building.

The Board asked if Mrs. Weaver had considered other locations for the addition. Mrs. Weaver responded that as the dining area will connect the kitchen to the family room, no other location was possible.

Kathleen Hogan, 27 McLean Street, stated that due to the substantial difference in the elevation between her home and the Weaver property, she was concerned that any new construction could create drainage problems. The construction of a large addition at 15 Fife Road changed the terrain and resulted in a terrible drainage problem as water poured down the hill onto her property. She expressed concern that any construction on the Weaver property could create a similar problem.

Arnold Whynot, 23 McLean Street, also expressed concern about potential water problems that could be created due to the construction. Mr. Whynot was not disturbed about the dining room addition, but about the conforming addition to be built on the right side. His property is directly below the Weavers. He has not had any water problems, and does not want any in the future.

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The Board noted that it appeared that the major drainage would run to the right of the property and not to the rear. The Board commented that it could not act on any construction which was not before the Board. The addition before the Board is relatively small and is in the front of the property, which should not result in any drainage problems.

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Statement of Facts

The subject property is located at 19 Fife Road, in a Single Residence District, on a 17,758 square foot lot, and presently is in conformance in regard to all Zoning requirements.

The petitioners are requesting a variance to construct a one-story addition approximately 10.5 feet by 10.5 feet at the front left corner of the dwelling, which will have a minimum left side yard clearance of 17.3 feet.

A Plot Plan dated June 13, 1994, drawn by Sidney R. Vaughan, Registered Land Surveyor; Floor Plans and Elevations dated June 3, 1994, drawn by Shelly W. Ziegelman, Architect; and photographs were submitted.

Decision

This Authority has made a careful study of the material submitted and the information presented at the hearing. The proposed addition will not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that because of the irregular 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 substantial hardship to the petitioners 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 addition, subject to construction in accordance with the plot plan and construction sketches as noted in the foregoing Statement of Facts.

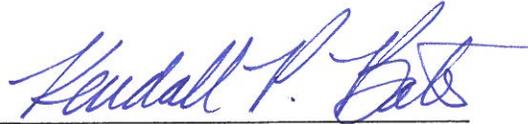
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and detailed construction plans.

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If the rights authorized by a 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.

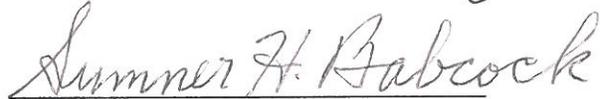
cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates, Acting Chairman



Robert R. Cunningham



Sumner H. Babcock

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