



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

SEP 9 7 58 AM '94

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ZBA 94-50

Petition of James and Jean Todd
16 Columbia Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, August 25, 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 JAMES AND JEAN TODD 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 landing and stair, and construction of a deck approximately 15 feet by 10 feet at the rear of their nonconforming dwelling with less than the required right side yard at 16 COLUMBIA STREET, in a Single Residence District. Said deck will have less than the required right side yard setback.

On August 8, 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 were James and Jean Todd. Dr. Todd said that the deck will follow the existing line of the house. The right side abutter has no problem with the proposed construction.

Dr. Todd submitted letters from Raymond Capobianco to the Engineering Department dated November 23, 1987 and a response from John Bezanson, Asst. Town Engineer, dated December 3, 1987, regarding a discrepancy between the front property line at 18 Columbia Street and the Town markers on Columbia Street. To date, this discrepancy, which also involves the Todd property, has not been resolved. Dr. Todd requested that the Board seek assistance from the Board of Selectmen in resolving this issue. The Chairman stated that this would not be possible.

No other person present had any comment on the petition.

Statement of Facts

The nonconforming dwelling is located on an 8,261 square foot lot at 16 Columbia Street, in a Single Residence District, and has a minimum right side yard clearance of 12.5 feet, a minimum left side yard clearance of 18.2 feet and a minimum front setback of 27.1 feet.

The petitioners are requesting a variance to demolish an existing landing and stair and to construct a deck approximately 15 feet by 10 feet, which will have a minimum right side

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yard clearance of 12.5 feet at the right front corner and 13.4 feet at the right rear corner.

A Plot Plan dated July 18, 1994, drawn by Paul J. Sawtelle, Registered Land Surveyor; elevations dated August 1, 1994, drawn by James W. Todd; and photographs were submitted.

On August 18, 1994, the Planning Board reviewed the petition and voted to offer no comment.

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 deck conforms to the present lines of the house and does not alter the relationship of the house to the right side lot line.

It is the opinion of this Authority that, because of the shape of the lot and the locations 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 be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

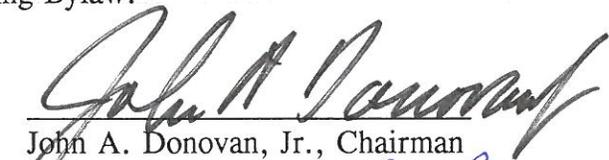
Therefore, the requested variance is granted, subject to construction in accordance with the plot plan and elevations submitted, as noted in the foregoing Statement of Facts.

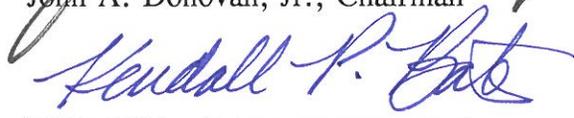
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and detailed construction plans.

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
edg Inspector of Buildings


John A. Donovan, Jr., Chairman


Kendall P. Bates


Franklin P. Parker

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