TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 94-56
Petition of Charles M. and Mary Lou Seitz
80 Prospect 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 CHARLES M. AND MARY LOU SEITZ 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 8 feet 4 inches by 11 feet including a 16 inch by 11 foot overhang, and a second story addition approximately 20 feet 4 inches which also includes a 16 inch by 11 foot overhang, at their nonconforming dwelling, with less than the required left side yard, at 80 PROSPECT STREET, in a Single Residence District. Both the first and second floor additions will have less than the required left 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 was Charles Seitz, who said that they would like to extend the existing den back approximately 6 feet, and add a second floor extending along the length of the house, which would contain a master bedroom suite. There would be a slight overhang at the rear of the house on both floors.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming property is located on a 6,479 square foot lot at 80 Prospect Street, in a Single Residence District, and has a minimum left side yard clearance of 10.2 feet.

The petitioners are requesting a variance to construct a one-story addition approximately 8 feet 4 inches by 11 feet which includes a 16 inch overhang and a second story addition approximately 20 feet 4 inches by 11 feet which also includes a 16 inch overhang. The first and second story additions will have a minimum left side yard clearance of 10.2 feet.

A plot plan dated August 1, 1994, drawn by John J. Caffrey, Registered Professional Land Surveyor; Floor Plans and Elevations dated July 3, 1993, drawn by K.C. Williamson, Builder; and photographs were submitted.

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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 both the proposed first and second story additions conform to the present lines of the house and do 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.

Therefore, the requested variance is granted to construct both the one-story and second-story additions subject to construction in accordance with the submitted plot plan and construction sketches.

The Inspector of Buildings is hereby authorized to issue a permit for 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.

John A. Donovan, Jr., Chairman

Kendall P. Bates

Franklin P. Parker

cc: Planning Board
Inspector of Buildings
edg

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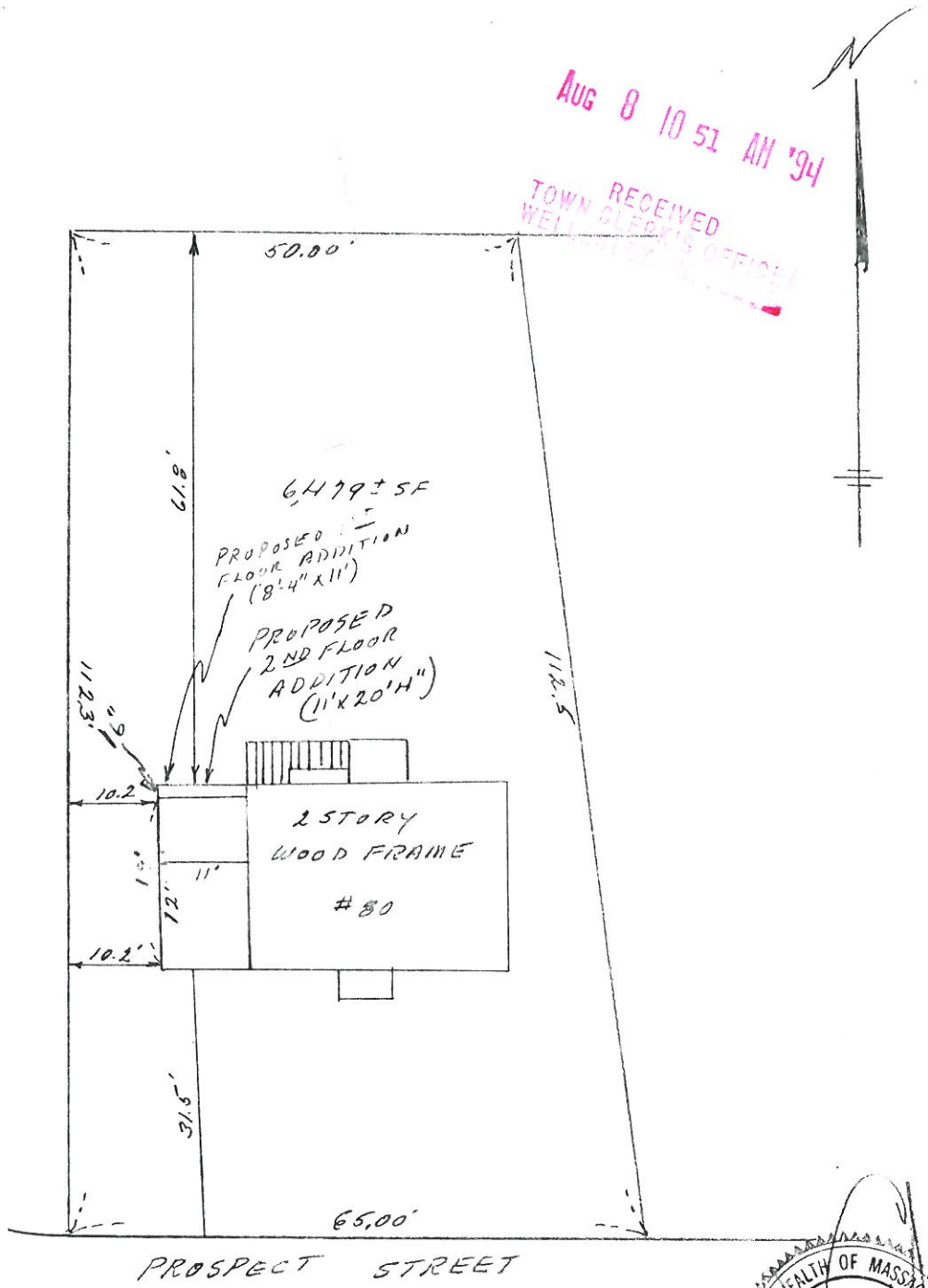

COMMONWEALTH OF MASSACHUSETTS
JOHN J. CAFFREY
25229
REGISTERED
PROFESSIONAL LAND SURVEYOR

PLOT PLAN OF LAND
IN
WELLESLEY, MASS.

(REV'D 8-3-94)

PLAN REF.
PLAN BOOK 17
PAGE 751

SCALE: 1"=20'
J.J. CAFFREY, RLS.

AUGUST 1, 1994
WESTON, MASS.