

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 99-5

Petition of Thomas R. and Katherine M. Walker
33 Paine Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 28, 1999, at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, on the petition of THOMAS R. AND KATHERINE M. WALKER, requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow relocation of a front stair and construction of a one-story 14.7 foot by 9.4 foot roofed porch, which will have less than the required front setback, at their nonconforming dwelling, with less than the required front setback, at 33 PAINE STREET, in a Single Residence District.

On January 11, 1999, the petitioners filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Prior to the presentation, the Executive Secretary stated that Mrs. Walker had called to say that the front stair would not be relocated, contrary to the legal notice. Mr. Marrocco, the project contractor said that was correct.

Presenting the case at the hearing was Tom Walker, who was accompanied by his contractor, Paul Marrocco. Mr. Marrocco said that the petition is to extend the existing front porch.

The Board noted that the Planning Board had no objection to the petition, and that although there would be an expansion of the porch, the addition was really coming no closer to the street than the existing house.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 33 Paine Street, on a 12,861 square foot lot, in a Single Residence District, and has a minimum front yard clearance of 25.8 feet.

The petitioners are requesting a variance to construct a one-story 14.7 foot by 9.4 foot porch addition which will have a minimum front yard clearance of 25.7 feet. The front stair will not be relocated.

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A Plot Plan dated November 12, 1998, drawn by Bruce Bradford, Professional Land Surveyor; Floor Plans and Elevations dated September 24, 1998, drawn by Stephen a Magliocco Associates; and photographs were submitted.

On January 19, 1999, the Planning Board reviewed the petition and had no objection to the granting of the variance request.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject property does 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 shape of the lot, and the location of the house on the lot, a literal enforcement 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.

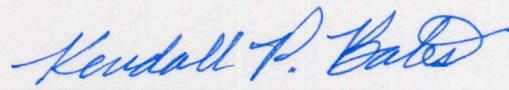
Therefore, the requested variance is granted, as voted unanimously by this Authority at the Public Hearing, for the porch addition, subject to construction in accordance with the submitted plot plan and construction drawings.

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.

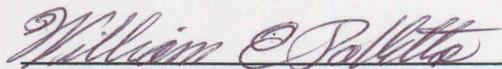
If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

cc: Planning Board
Inspector of Buildings
edg



Kendall P. Bates, Acting Chairman

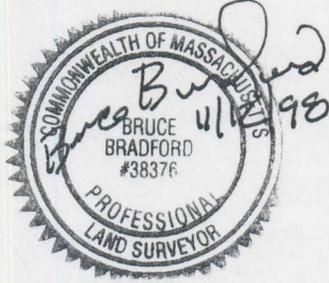


William E. Polletta



Robert A. Bastille

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PLAN OF LAND IN WELLESLEY, MA.

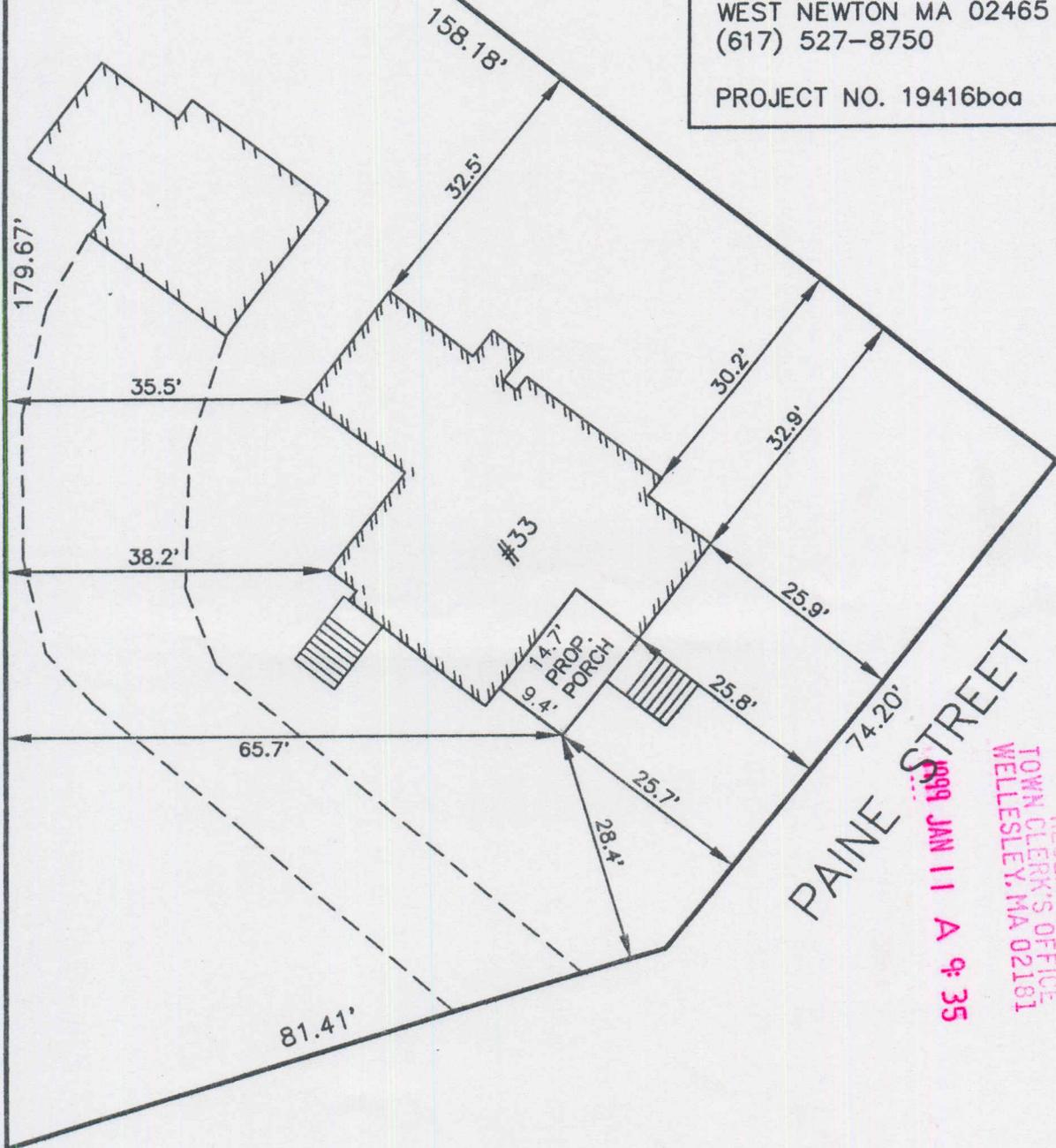
33 PAINE STREET

SCALE 1 IN. = 20 FT
NOVEMBER 12, 1998

PREPARED BY:
EVERETT M. BROOKS CO.
49 LEXINGTON STREET
WEST NEWTON MA 02465
(617) 527-8750

PROJECT NO. 19416boa

LOT 33-A
12,861 S.F.±
LOT COVERAGE 15.3%



PAINE STREET

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