



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

MAR 4 1 29 PM '92

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019 X208

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

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ZBA 92-16
Petition of C. Joseph Grignaffini
16 Fells Circle

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, February 20, 1992 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of C. JOSEPH GRIGNAFFINI requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow the property at 16 FELLS CIRCLE with less than the required left side yard, in a Single Residence District, now owned by JOHN S. AND LINDA M. CUCINOTTA to be brought into conformance with the current Zoning Bylaw.

On February 3, 1992, the petitioner requested 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 Grignaffini, who said that he had built the house on Fells Circle in 1957 and had assumed that the house was properly sited in accordance with the original plans. When he sold the house to his daughter in December, 1991, he had the property surveyed and discovered that the house had actually been placed too far to the left in violation of the twenty foot setback.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 16 Fells Circle, in a Single Residence District, on a 10,088 square foot lot and has a minimum left side yard clearance of 17.8 feet. The house was built in 1957. When the petitioner had the property surveyed in conjunction with the sale of the property to his daughter in December, 1991, he discovered that the dwelling had a minimum left side yard clearance of 17.8 feet rather than the 20 feet required by the Zoning Bylaw. The petitioner is requesting a variance that the property be allowed with the nonconforming left side yard.

A Plot Plan dated January 27, 1992, drawn by Joseph R. Sullivan, Registered Professional Surveyor, and photographs were submitted.

On February 11, 1992, the Planning Board reviewed the petition and voted to offer no objection to the granting of the requested variance.

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Decision

This Authority has made a careful study of the material submitted and the information presented at the hearing, and is of the opinion that the subject dwelling at 16 Fells Circle is not in conformance with the current Zoning Bylaw.

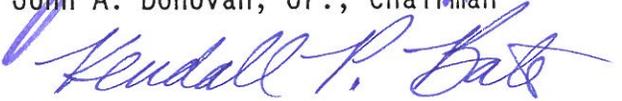
This Authority is of the opinion that a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve substantial hardship to the petitioner and that the grant of a variance would neither be detrimental to the neighborhood nor be in derogation of the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance from Section XIX of the Zoning Bylaw is granted to allow the existing dwelling at 16 Fells Circle with a left side setback of 17.8 feet as shown in the Plot Plan noted in the foregoing Statement of Facts.

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

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