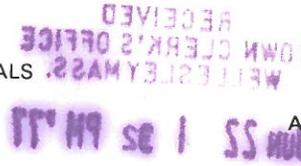




ZONING BOARD OF APPEALS



KATHARINE E. TOY
 Administrative Secretary
 Telephone
 235-1664

F. LESTER FRASER
 WILLIAM O. HEWETT
 FRANKLIN P. PARKER
 WILLIAM E. POLLETTA
 FRANCIS L. SWIFT
 HENRY H. THAYER

Petition of John A. Zaia

Pursuant to due notice the Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:20 p.m. on May 19, 1977, on the petition of John A. Zaia, requesting a variance from the terms of Section XIX of the Zoning By-law which will allow the construction of an addition on the side of the dwelling at 21 Thomas Road with a side yard less than the required twenty feet. Said request was made under the provisions of Section XXIV-D of the Zoning By-law.

On April 29, 1977, the petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

The petitioner spoke in support of the request at the hearing.

Statement of Facts

The house involved is located within a Single Residence District, requiring a minimum lot area of 10,000 square feet. It was built prior to the enactment of the by-law requiring a twenty-foot side yard and is located thirty feet back from Thomas Road and fourteen feet from the lot line on the westerly side.

The petitioner seeks permission to construct a porch 12' x 10' at the northwesterly corner of the house, which, if built will lie ten feet from the side lot line. It was stated by the petitioner that it is his desire to put a small laundry off the kitchen and construct a porch as shown on the plan. In his opinion, the proposed porch, although it will be only ten feet from the lot line, will not prove detrimental to the public good or substantially derogate from the intent or purpose of the Zoning By-law. He feels that there is a real need for the proposed addition and unless a variance is granted, substantial hardship will result.

Decision

It is the opinion of this Board after careful study of the plans submitted and a view of the locus, that to allow the proposed addition to be built only ten feet from the side lot line, would prove detrimental to the public good and would substantially derogate from the intent or purpose of the Zoning By-law.

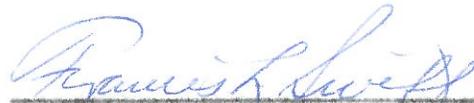
From a view of the locus, the Board was unable to find that due to the shape of the lot, topography of the land or soil conditions, that a literal enforcement of the side yard restriction of the Zoning By-law, would

involve substantial hardship to the petitioner, a criteria the Board must find before granting a variance as requested.

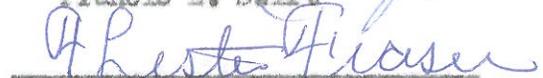
The lot which is 98' x 100', is level, and from the observation of this Board, an adequate porch could be built at the rear of the house which would conform to the Zoning By-law. No evidence was submitted at the hearing to justify the hardship which would result if this request is not granted, and it is the opinion of this Board that the proposal as submitted, would be contrary to the intent and purpose of the Zoning By-law.

Therefore, it is the opinion of this Board that the facts in this case do not satisfy the conditions set forth in Section XXIV of the Zoning By-law on which the Board's authority depends to vary the requirements of the side yard restrictions of the Zoning By-law.

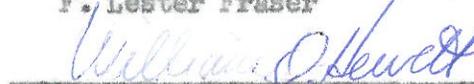
Accordingly, the requested variance is denied and the case dismissed.



Francis L. Swift



F. Lester Fraser

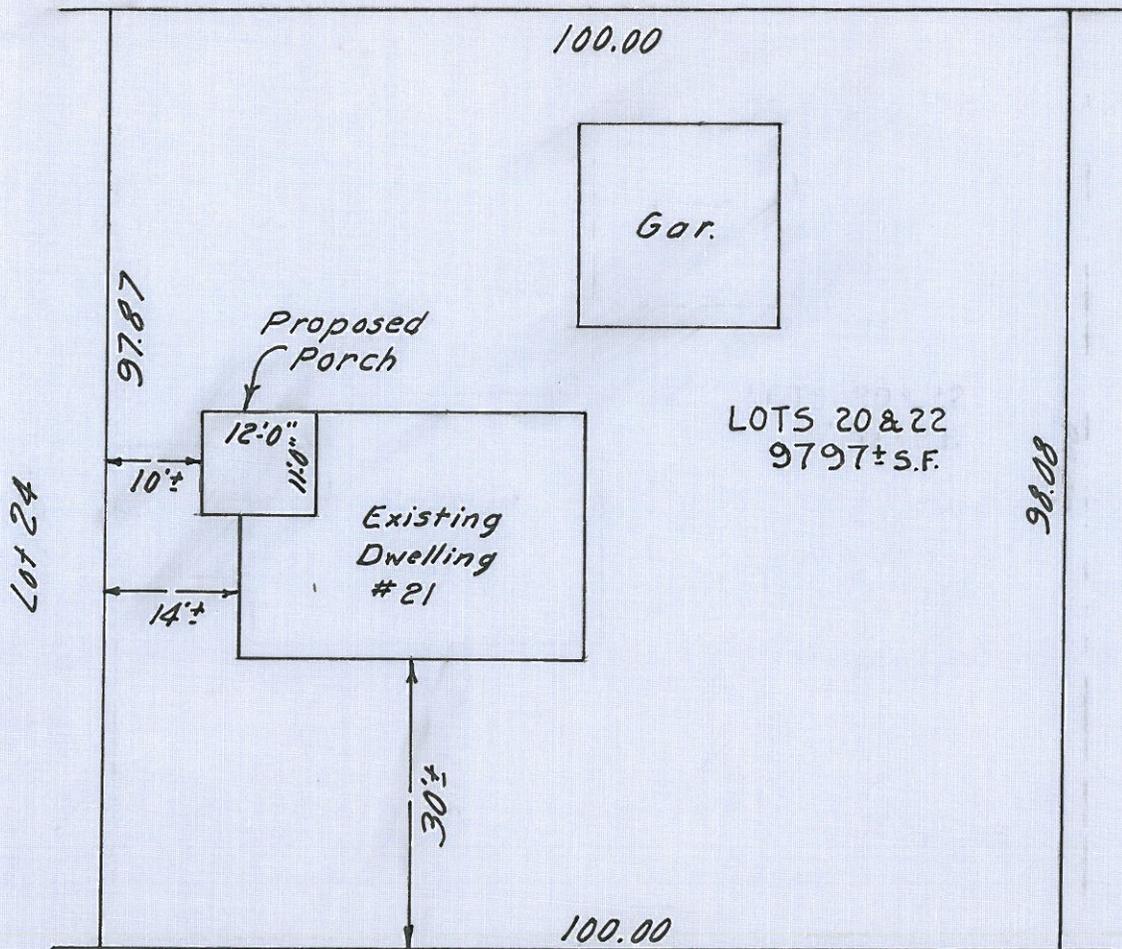


William O. Hewett

Filed with Town Clerk _____

9:55 1 35 PM '11
METEOROLOGICAL
CLERK'S OFFICE
RECEIVED

n. or f. Cavanagh



THOMAS RD.



Charles D. Thompson

PLOT PLAN OF LAND
 IN
 WELLESLEY o MASS.

SCALE: 1 IN. = 20 FT.

EVERETT M. BROOKS CO.
 NEWTONVILLE

JULY 1, 1976

CIVIL ENG'RS.
 MASS.