



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
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Executive Secretary
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86-3

Petition of Thomas A. & Carol E. McMahon
65 Crest Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 30, 1986 at 8 p.m. in Room 17 of the Town Offices at the Phillips Building, 12 Seaward Road, Wellesley Hills, on the petition THOMAS A. & CAROL E. McMAHON requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow the construction of a chimney approximately 5 feet by 2 feet at their non-conforming dwelling at 65 CREST ROAD, leaving less than the required left side yard.

On January 9, 1986, 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 Carol McMahon who stated that the request is minimal and that the neighbors are in favor of the petition.

Other than the petitioner, no one spoke in favor of or against the petition.

Statement of Facts

The property in question is located at 65 Crest Road, containing 19,947 square feet of land. The existing dwelling is non-conforming, coming to 19.66 feet from the left (westerly) side lot line.

The petitioner is proposing to construct a fireplace in the living room with a chimney approximately 5 feet by 2 feet at the westerly wall of the dwelling, leaving a left side yard of 18.07 feet at the front corner of the chimney and 18.26 feet at the rear of the chimney.

A Plot Plan was submitted, drawn by George N. Giunta, Registered Land Surveyor, Needham, Ma. dated December 26, 1985. Construction sketches were submitted, as were photos.

The Planning Board, at its regular meeting of January 14, 1986, voted to offer no comment on the petition.

A letter dated January 28, 1986 was received in support of the request from William J. and Katherine E. Toy, owners of 15 Curve Street and 31 Curve Street.

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Decision

This Authority has made a careful study of the evidence presented. The particular house in question in its location on the lot does not conform to the present Zoning Bylaws. The dwelling comes to 19.66 feet from the left side lot line.

It is the opinion of this Authority that the proposed chimney does not alter the relationship of the house to the left side lot line and represents a de minimus encroachment to the side yard.

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. It is the further opinion of this Authority 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 a fireplace at 65 Crest Road, said fireplace approximately 5 feet by 2 feet, as shown on the Plot Plan by George N. Giunta, Registered Land Surveyor, dated December 26, 1985, coming no closer than 18.07 feet to the left side lot line.

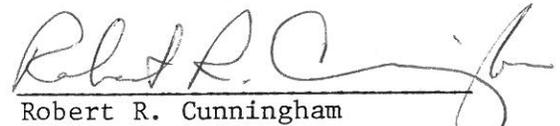
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

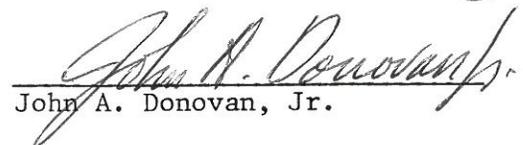
APPEALS FROM THIS DECISION,
 IF ANY, SHALL BE MADE PURSUANT
 TO GENERAL LAWS, CHAPTER 40A,
 SECTION 17, AND SHALL BE FILED
 WITHIN 20 DAYS AFTER THE DATE
 OF FILING OF THIS DECISION IN
 THE OFFICE OF THE TOWN CLERK.

cc: Planning Board

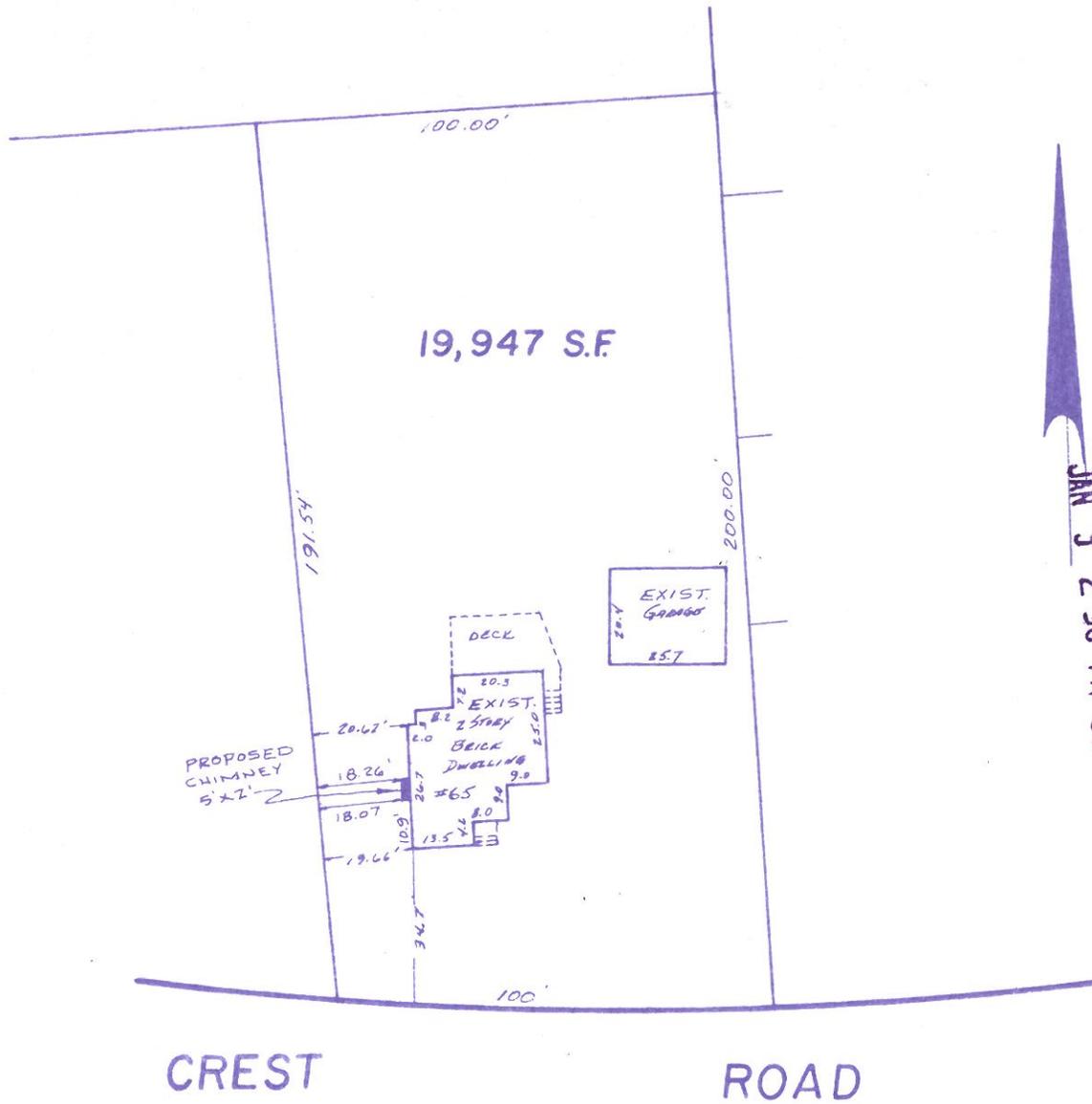
mam


 Stephen S. Porter, Chairman


 Robert R. Cunningham


 John A. Donovan, Jr.

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CREST ROAD

PLOT PLAN OF LAND
 TO ACCOMPANY PETITION TO BOARD OF APPEALS
 IN
WELLESLEY- MASS.

DEC. 26, 1985 SCALE 1" = 40'

GEORGE N. GIUNTA R.L.S.
 76 NEHOIDEN ST.
 NEEDHAM, MASS.

