

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2011-59
Petition of Geraldine Jarvis
26 Harris Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 8, 2011, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of GERALDINE JARVIS requesting a Special Permit pursuant to the provisions of Section II A 8 (h) and Section XXV of the Zoning Bylaw to allow her to use a portion of her premises at 26 HARRIS AVENUE, in a Single Residence District, for the purpose of a home occupation, namely, Doggie Day Care for up to 15 dogs from 7:00 a.m. to 7:00 p.m. on Mondays through Sundays. All parking is on the premises.

Record Owner of Property: Lucille T. Jarvis

On August 23, 2011 the Petitioner 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 were David Himmelberger, Esq., and Geraldine Jarvis (the "Petitioner"). Mr. Himmelberger said that Ms. Jarvis was applying for renewal of a Special Permit under Section II A 8 (h) of the Zoning Bylaws to continue a Doggy Day Care at 26 Harris Avenue in Wellesley.

Mr. Himmelberger said that no complaints had been filed.

The Board said that it received letters of support from the neighbors.

The Board discussed extending the term limit of the Special Permit from six months to two years.

The Board said that there appears to be four cars parked on the property. Ms. Jarvis said that she has had a problem getting her van registered. She said that the van is supposed to go to another location. She said that three cars belong to her.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 26 Harris Avenue, in a Single Residence District.

The Petitioner is requesting renewal of a Special Permit to allow her to use a portion of her premises, in a Single Residence District, for the purpose of a home occupation, namely, Doggie Day Care for up to 15 dogs from 7:00 a.m. to 7:00 p.m. on Mondays through Sundays. All parking is on the premises.

On September 7, 2011, the Planning Board reviewed the petition and recommended that the Special Permit be renewed with conditions.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. A home occupation is not a by-right use in a Single Residence District.

It is the opinion of this Authority that the requested use of her premises by Geraldine Jarvis for the home occupation of Doggie Day Care is in compliance with the requirements of Section II A 8 (h) of the Zoning Bylaw, and will neither disturb nor disrupt the customary character of the neighborhood.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the petitioner to use a portion of her premises at 26 Harris Avenue for a home occupation, subject to the following conditions:

1. There shall be no more than 15 dogs on the premises at any one time.
2. The hours of the home occupation shall be limited to 7:00 a.m. to 7:00 p.m. on Mondays through Sundays throughout the year.
3. All vehicles related to the home occupation shall be parked in the driveway of the premises, and no vehicle related to the home occupation shall be parked on Harris Avenue or on any adjacent street.
4. There shall be no overnight boarding of any nonresident dog.
5. All dog waste shall be properly disposed of.
6. This Special Permit shall expire two years from the date time stamped on this decision.

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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.

Richard L. Seegel, Chairman

Cynthia S. Hibbard

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm