



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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Petition of Ronald E. and Claire N. Finn

The Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8 p.m. on Thursday, January 20, 1983 on the petition of Ronald E. and Claire N. Finn requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a detached garage 26 feet by 24 feet at 28 Pine Street, leaving less than the required right side yard and rear yard. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On December 28, 1982, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Dr. Ronald Finn, who stated that a one-car garage exists on the property but is too small for a car so he wishes to build a two-car garage in approximately the same location at the right rear corner of the lot. He claimed that if the sideline requirement of 20 feet and the rear yard requirement of 15 feet were followed, access to the left bay of the garage would be too difficult, the blacktop area would be too extensive, and too many trees would have to be removed, ruining the aesthetics of the backyard. A patio on the right side of the house forces the driveway to be at the extreme right side of the lot. Dr. Finn stated that a 10 foot rearyard would be acceptable if the Board so decided.

Claire N. Finn was present at the hearing in support of the request. Also present in favor of the petition were Allister W. Shepherd, 30 Pine Street, abutter on the side of the proposed garage, and Walter J. Parker, Jr., 44 Bay State Road.

Speaking in opposition to the request was Robert M. Bretholtz, 25 Croton Street, abutter to the rear of the property.

Statement of Facts

The property in question is located at 28 Pine Street, containing 13,875 square feet of land. The petitioner is seeking a variance from Section XIX of the Zoning Bylaw to construct a detached two-car garage at the rear of his property, 24 feet by 26 feet in size, leaving a 5 foot rear yard and a 5 foot right side yard.

The existing one-car garage is located approximately 7 feet from the right side lot line and 20 feet from the rear line. The present yard regulations for the petitioners' lot require a minimum rearyard depth of 15 feet and a minimum sideyard width of 20 feet.

The petitioner claims that a cement porch on the right side of the house forces the driveway to be located near the right side lot line and makes access to the left bay of the proposed garage very difficult.

A Plot Plan was submitted, drawn by George N. Giunta, Registered Land Surveyor. Construction drawings were also submitted.

The Planning Board, in a letter dated January 12, 1983, stated it had voted to recommend that the detached garage be located no closer to the sideline than the existing single car garage (approximately 7 feet) provided the rear yard setback requirement of 15 feet is maintained.

A statement of support for the petitioner's request was received from Thomas E. Cantwell, 24 Pine Street, Allister and Anne G. Shepherd, 30 Pine Street, William H. MacCrellish, Jr., 29 Croton Street, Claire D. Wilson, 32 Pine Street, Joseph Andrew, 16 Pine Street, Walther J. and Elizabeth G. Parker, 44 Bay State Road, and Rachel R. Norcross, 25 Pine Street.

Decision

This Authority has made a careful study of the evidence presented.

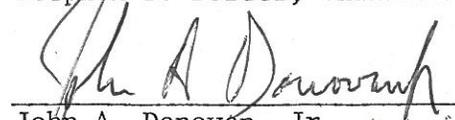
It is the opinion of this Authority that the proposed two-car detached garage would substantially encroach on the right side line and the rear lot line and is much larger than necessary to accommodate two automobiles.

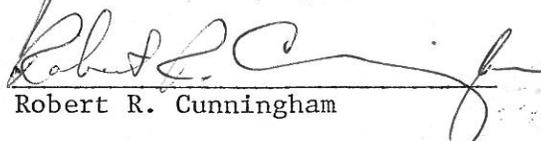
However, it is the unanimous decision of this Authority that because of the shape of the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without substantially derogating from the intent or purpose of the Bylaw.

Therefore, the Board grants a variance for a two-car garage 20 feet wide and 22 feet deep, leaving a minimum rearyard of 15 feet and a minimum right sideyard of 7 feet.

A revised Plot Plan must be presented to the Inspector of Buildings, after which the Inspector of Buildings is authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.


Stephen S. Porter, Chairman


John A. Donovan, Jr.


Robert R. Cunningham

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