



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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84-11

Petition of James H. and Susan M. Belanger

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the upper Town Hall main hearing room on Thursday, February 23, 1984 at 8 p.m. on the petition of JAMES H. AND SUSAN M. BELANGER requesting a variance from the terms of Section XVII (Non-conforming uses and structures) of the Zoning Bylaw which will allow an addition to their dwelling at 13 CLOVELLY ROAD which would include the alteration of a pre-existing non-conforming 4-car garage, having less than the required left sideyard, and an addition approximately 24 feet by 30 feet which would connect the existing dwelling to the existing garage. A variance is also requested from the terms of Section XIX to allow the construction of a deck approximately 20 feet by 8 feet at the rear of the dwelling leaving less than the required left sideyard. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On February 2, 1984, the petitioner requested a hearing before this Board and thereafter due notice was given by mailing and publication.

Presenting the case at the hearing was James Belanger, who stated that he wishes to convert the upper level of the garage to a playroom for his children, proposes to connect the house to the 4-bay garage and also to construct a deck in the rear over an existing shed foundation. He stated that he is requesting a finding from the Board of Appeals regarding the non-conforming structure (garage) or, if the finding cannot be granted, he is requesting a variance. He stated that the house has been in existence since 1913.

Present at the hearing in favor of the petition were Robert D. Fallon, 19 Clovelly Road, Paul D. Gallese, 25 Caroline Street, Nicholas Konidaris, 9 Clovelly Road, Nancy Senger, 16 Clovelly Road.

Mr. Belanger stated that he wishes to withdraw his appeal from the Building Inspector's denial.

Statement of Facts

The property in question is located at 13 Clovelly Road at the corner of Caroline Street, containing 10,262 square feet of land, in a Single Residence District.

A two-story dwelling exists on the property. A four-bay garage, a pre-existing non-conforming structure, exists on the property, leaving a left side yard of 3.02 feet. A concrete foundation connects the garage to the dwelling.

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FEBRUARY 23 9 23 AM 1984

The petitioner proposes an addition including the alteration of the pre-existing non-conforming garage to create a playroom on the second floor, an addition approximately 24 by 30 feet connecting the dwelling to the garage, and a deck approximately 20 by 8 feet at the rear of the garage, where a shed formerly existed. The petitioner claimed substantial hardship in Appendix A of his application.

The Building Inspector denied a building permit to the petitioner on the basis that the proposed addition constituted an expansion of a non-conforming use or structure and that the proposed deck encroached on the left side yard.

On February 8, 1984, James H. Belanger submitted an appeal to the Building Inspector's denial. On February 23, 1984, Mr. Belanger withdrew his appeal to the denial, verbally at the Public Hearing and in writing.

A Plot Plan was submitted, drawn by Charles D. Thompson, Registered Land Surveyor, of Everett M. Brooks Co., Newtonville, dated 2/10/84. Construction drawings were submitted, drawn by Charles J. Carling, Architect, dated 11/21/83. The plot plan indicated that the proposed additions would bring the lot coverage to 27.6%.

The Planning Board, in a letter dated 2/22/84, stated the following: "The Planning Board is opposed to the granting of the requested variance. The encroachment on the sideyard with habitable living space would be substantial; three and one-half feet is proposed where twenty feet is the requirement. In addition, based on our calculations, it appears that the total ground coverage of buildings on the lot would exceed the maximum 25% lot coverage requirement."

A petition supporting the variance request was received, signed by the following: Nancy A. & Harry Senger, 16 Clovelly Road, John F. and Mary M. O'Connor, 20 Clovelly Road, Anna M. Cronin, 12 Clovelly Road, Nick & Voula Konidaris, 9 Clovelly Road, Paul D. & Carolyn E. Gallese, 25 Caroline Road.

Decision

This Authority has made a careful study of the evidence presented. The particular 4-bay garage in question in its location on the lot does not conform to the present Zoning Bylaws. The garage leaves a left side yard of 3.02 feet.

It is the opinion of this Authority that literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to: i) soil conditions ii) shape, or iii) topography of such land or structures, especially affecting such land or structures but not generally affecting the zoning district in which it is located; and the hardship shall not have been self-created, and desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, a variance is granted from the terms of Section XVII and Section XIX of

the Zoning Bylaw to allow the proposed alterations and additions as shown on the Plot Plan drawn by Charles D. Thompson, Registered Land Surveyor of Everett M. Brooks, Co., dated 2/10/84, and construction drawings submitted, with the condition that the exterior roof line of the garage be maintained.

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.

Stephen S. Porter

Stephen S. Porter, Chairman

John A. Donovan, Jr.

John A. Donovan, Jr.

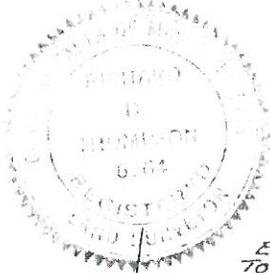
William E. Polletta

William E. Polletta

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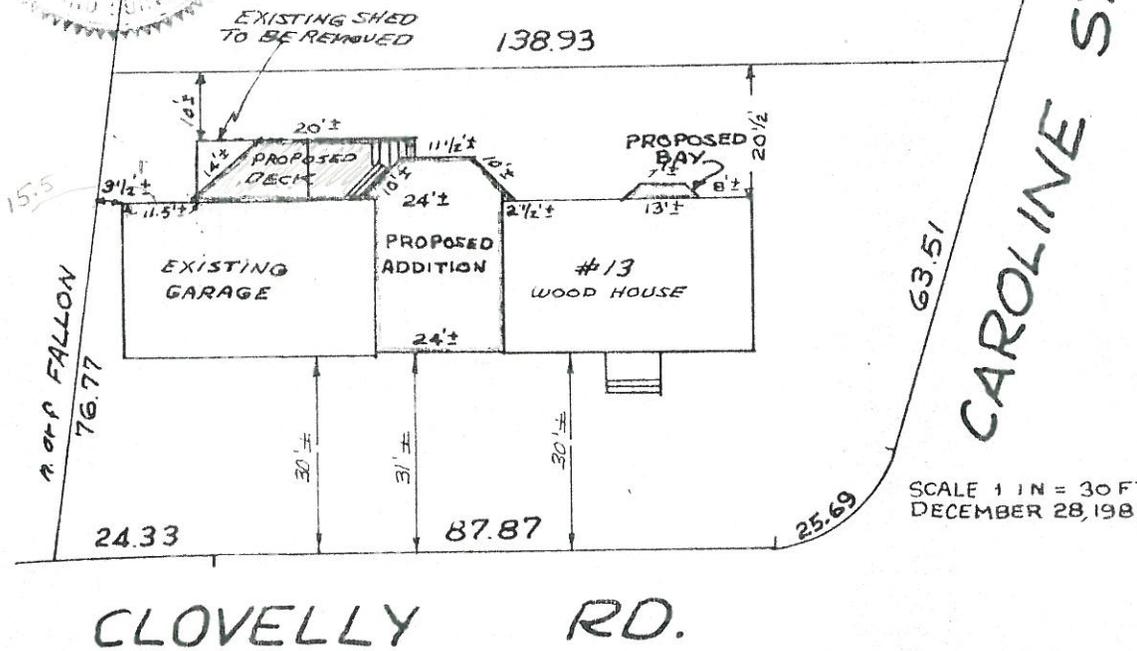
CERTIFIED PLOT PLAN



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FEB 3 9 39 AM '84
EXHIBIT M. FEB 3 1984
200 WASHINGTON STREET
NESTORVILLE, MASS 02157

Richard D. Richardson
LOC 2



SCALE 1 IN = 30 FT
DECEMBER 28, 1983

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FEB 22 1984

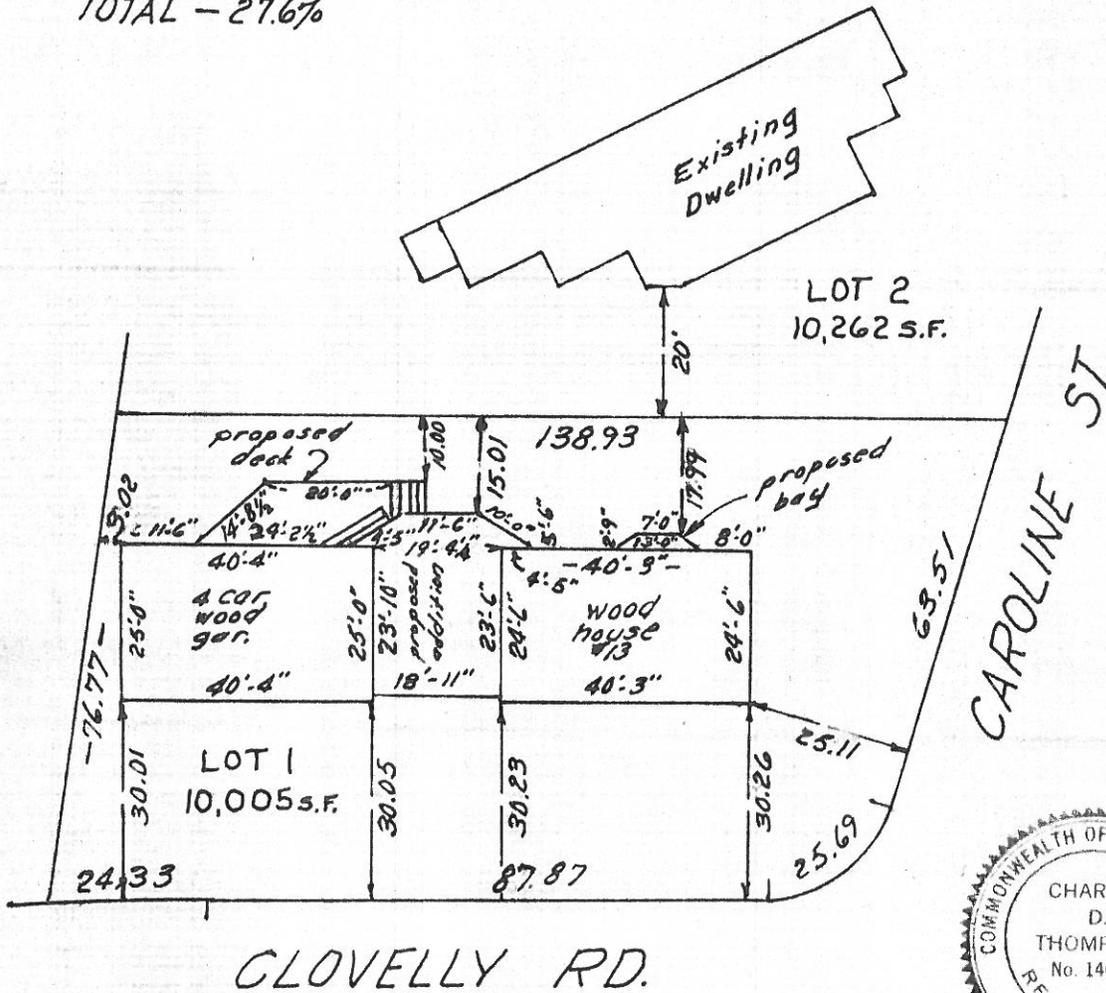
BOARD OF APPEALS
TOWN HALL, WELLESLEY

PERCENT OF COVERAGE

HOUSE & GARAGE - 24.8%

DECK - 2.8%

TOTAL - 27.6%



Charles D. Thompson

PLAN OF LAND

WELLESLEY IN MASS.

SCALE: 1 IN. = 30 FT.

EVERETT M. BROOKS CO.
NEWTONVILLE

FEB. 10, 1984

CIVIL ENGR'S.
MASS.