



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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84-14

Petition of Nathaniel and Dolores Brady

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the upper Town Hall Main Hearing Room on Thursday, March 22, 1984 at 8 p.m. on the petition of Nathaniel and Dolores Brady requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of an addition to their dwelling at 24 Fenmore Avenue, including the enclosure of a breezeway between the house and the garage and the addition of a room approximately 19.3 feet by 19 feet to the rear of the house and garage, leaving less than the required left side yard. The existing garage is in violation of the side yard requirements. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On March 2, 1984, the petitioners requested 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 Dolores Brady, who displayed photographs of the dwelling and sketches of the exterior of the house and garage before and after the proposed construction. Mrs. Brady stated that the pitch of the garage would be changed, but that the elevation of the garage would not be changed. She stated that the garage had been incorrectly placed on the lot when it was originally constructed, prior to their ownership. The Brady's have just recently become aware that the garage is an illegal structure, with a sideyard of 18.9 feet.

Other than the petitioner, no one else was present at the hearing either favoring or opposing the petition.

Statement of Facts

The property involved is located at 24 Fenmore Avenue, containing 10,370 square feet of land, in a Single Residence District.

A dwelling exists on the property, with an attached breezeway and garage. A building permit was issued for the construction of the house in January, 1949. A building permit was issued for the garage in December, 1949, but the garage was placed in violation of the 20 foot sideyard requirements. A recent Plot Plan shows the left side yard to be 18.9 feet.

The petitioner wishes a variance to bring the existing structure into conformance with the Zoning Bylaws. The petitioner also requests a variance to construct an addition including enclosure of the breezeway between the house and garage and the addition of a room 19.3 feet by 19 feet at the rear of the garage, leaving a left side

yard of 18.7 feet.

The petitioner claims a hardship due to the existence of the non-conforming garage and due to underground sewerage pipes and manholes in the backyard which cannot be built upon.

A Plot Plan was submitted, drawn by Carmelo Frazetti, Registered Land Surveyor, dated 12/16/83. Construction drawings were also submitted, as was a sketch by the Town Engineer showing the sewerage system.

The Planning Board, in a letter of March 8, 1984, voted no objection to the request.

Decision

This Authority has made a careful study of the evidence submitted. The particular structure in question in its location on the lot is an illegal structure, constructed in 1949 when the side yard requirements were 20 feet, but the garage comes to 18.9 feet from the left side lot line.

It is the opinion of this Authority that the hardship due to the location of the garage on the property was not self-created, and that 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, a variance is granted to bring the existing structure into conformance with the Zoning Bylaws, leaving a left side yard of 18.9 feet.

Regarding the petitioners request for a variance to construct an addition to enclose the breezeway and add a room at the rear of the garage, it is the opinion of this Authority that the proposed addition conforms to the existing lines of the garage and does not alter the relationship of the existing structure to the left side lot line.

It is the unanimous decision of this Authority that, because of the shape of the lot and the placement of the structure on it, and because of the location of the sewerage system, 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 the proposed addition as shown on the Plot Plan drawn by Carmelo Frazetti, Registered Land Surveyor, dated 12/16/83, coming no closer to the left side lot line than 18.7 feet. 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.

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WELLESLEY MASS.  
APR 3 11 10 AM '84

Stephen S. Porter  
Stephen S. Porter, Chairman

John A. Donovan, Jr.  
John A. Donovan, Jr.

Robert P. Cunningham  
Robert P. Cunningham

No. 1 Argyle Ave.  
Peter & Rita Wrlanson

103.80'

10,370 s.f.

100.00'

18.7'

24.4'

PROPOSED ADDITION

19.0

66.0'

14.0

12.0

19.3

GARAGE

7.0

32.0

24

24.0

18.9'

3' BREEZEWAY

20.0

24.0

32.0

37.5'

32.1'

32.5'

103.60'

100.00'

No. 53 Mayo Road

David W. & Natalie Garland

Mayo Road

Charles & Marisa Kelley

Charles & Phillis Merhiv

No. 18

FENMERE (public 40.00' wide) AVE.

MAR 2 10 07 AM '84

RECORDED  
CLERK'S OFFICE  
WELLESLEY, MASS.

PLAN OF LAND  
in  
WELLESLEY, MASSACHUSETTS  
at  
No. 24 FENMERE AVE.

Owned by  
Nathaniel F. & Dolores M. Brady  
Dec. 16, 1983  
Carmelo Frazetti



Proposed Addition  
Scale: 1" = 20'  
Land Surveyor