



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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84-25

Petition of Timothy Beck

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the Upper Town Hall Main Hearing Room on Thursday, June 7, 1984 at 8 p.m. on the petition of TIMOTHY BECK, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a detached 2-car garage approximately 24 feet by 22 feet at 122 OAKLAND STREET, leaving less than the required left side yard and rear yard. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On May 18, 1984, the petitioner filed a request for a hearing before this Authority and thereafter notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Timothy Beck, who stated that he has a hardship due to the shape of his lot and the location of the house on the lot. An existing garage is 5.7 feet from the rear line and 10.2 feet from the left side line. Mr. Beck requests a variance in order to increase the size of the garage to accommodate two cars and to be able to pull into the garage. His abutter on the left side is Mass. Bay Community College.

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

Statement of Facts

The property in question is located at 122 Oakland Street, containing 7,660 square feet of land, in a Single Residence District.

A dwelling exists on the property, as does a one-car detached garage 13.3' by 18' at the rear of the property, located 5.7' from the rear line and 10.2' from the left side line, abutting Mass. Bay Community College, owned by Commonwealth of Mass. Board of Regional Community Colleges.

The petitioner proposes to construct a two-car garage 24' by 22' at the site of the existing garage, leaving a rear yard of 3 feet and a left side yard of 3 feet. His hardship is the location of the dwelling on the lot and the shape of the lot. In order for a two-car garage to be accessible, he feels that the garage must be as close to the rear line as possible.

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A Plot Plan was submitted, drawn by Carmelo Frazetti, Registered Land Surveyor, dated February 5, 1983. A construction sketch was also submitted.

The Planning Board, at its regular meeting of May 29, 1984, voted to recommend that the proposed garage be constructed no closer to the side and rear property lines than the existing garage.

Decision

This Authority has made a careful study the evidence submitted. The petitioner is proposing a two-car garage coming to 3 feet from the rear line and 3 feet from the left side line.

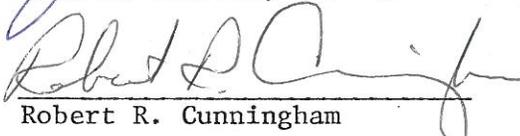
It is the opinion of this Authority that the proposed garage would represent a substantial encroachment on the rear lot line. However, it is the opinion of this Board that, because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion that desirable relief may be granted without substantially derogating from the intent or purpose of the bylaw.

Therefore, a variance is hereby granted to allow a garage 22 feet by 24 feet to be constructed at 122 Oakland Street, coming no closer than 5.7 feet from the rear lot line and no closer than 3 feet from the left side line.

A revised plot plan must be submitted to the Inspector of Buildings who is hereby authorized to issue a permit for the construction upon receipt and approval of a building application and construction plans.

  
 Stephen S. Porter, Chairman

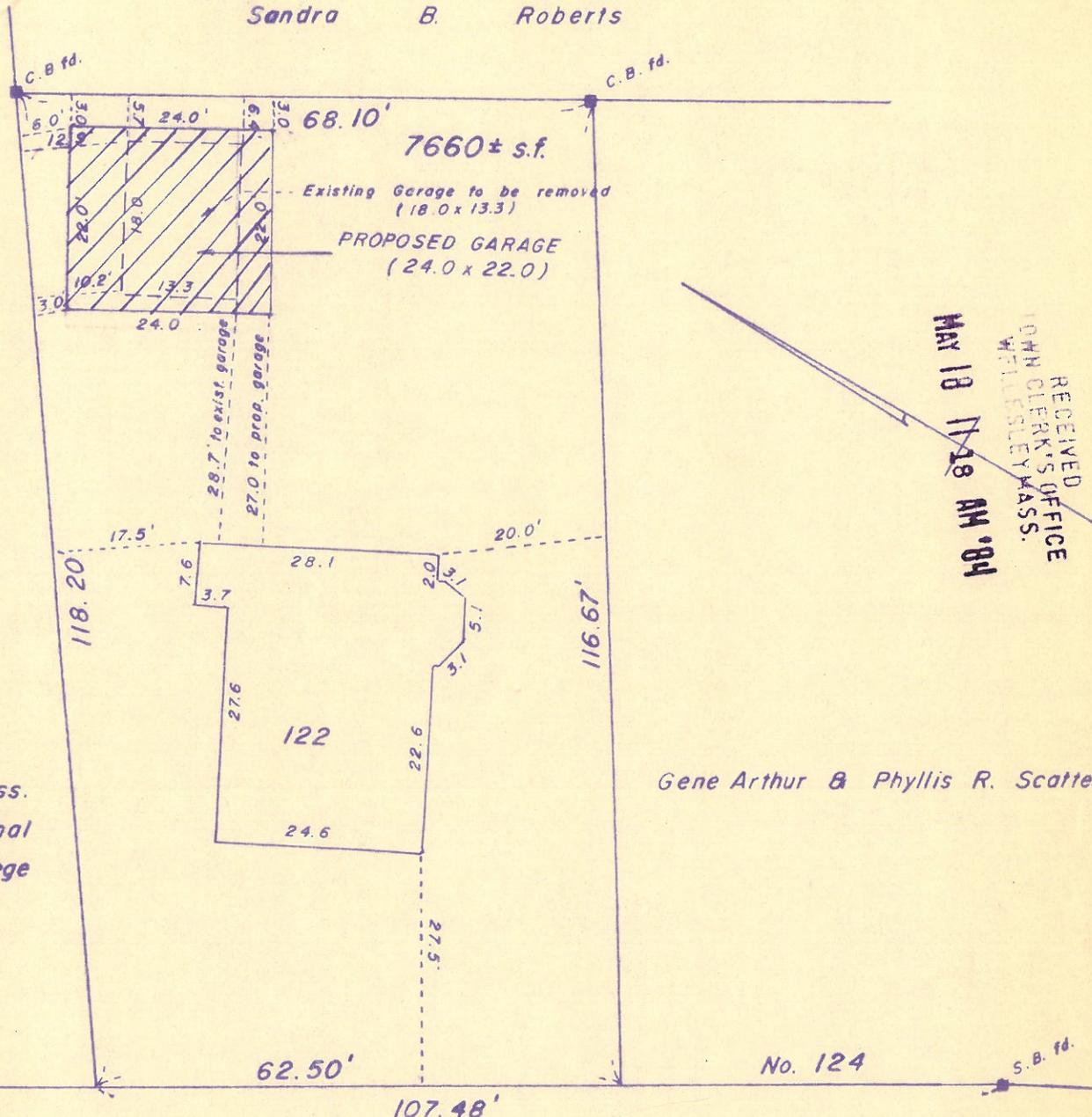
  
 John A. Donovan, Jr.

  
 Robert R. Cunningham

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Comm. of Mass.  
Board of Regional  
Community College

Gene Arthur & Phyllis R. Scattergood

OAKLAND

STREET

PLAN OF LAND  
in  
WELLESLEY, MASSACHUSETTS  
at  
No. 122 OAKLAND STREET

Owned by  
Timothy F. & Robin L. Beck  
Feb. 5, 1983  
Carmelo Frazetti



Proposed Garage  
Scale: 1" = 20'  
Land Surveyor