



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman  
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85-59

Petition of Brad and Amanda Anthony  
30 Evergreen Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, October 17, 1985 at 8 p.m. in Room 17 of the Phillips Building, 12 Seaward Road, Wellesley Hills, on the petition of BRAD & AMANDA ANTHONY requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow the construction of a two-car garage approximately 20 feet by 22 feet at 30 EVERGREEN AVENUE leaving less than the required left (northerly) side yard and less than the required rear yard.

On September 30, 1985 the petitioner requested a hearing before this Board and thereafter notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Brad and Amanda Anthony, who stated that the garage would be 10 feet from the rear lot line, not 9'10" as shown on the plans. Mr. Anthony stated that the original lot contained 15,000 square feet of land, that the previous owner subdivided it, creating a 10,000 square foot lot. Mr. Anthony proposes the location in order to allow light into the kitchen windows and because the main entrance to the house would be blocked off by an attached garage.

No others were present favoring or opposing the request.

Statement of Facts

The property in question is located at 30 Evergreen Avenue, containing 10,000 square feet of land. A detached garage existed on the property until 1978 when it was torn down. The property was subdivided in 1984 by a prior owner from 15,000 square feet to the present 10,000 square feet.

The petitioner proposes to construct a two-car garage approximately 20 by 22 feet leaving a side yard of 10 feet, connected to the house by a deck. He claims that a garage closer to the dwelling would cut off light from the kitchen and block the main entry to the house.

A Plot Plan was submitted, drawn by Edmund C. Sheahan, Registered Land Surveyor, dated August 16, 1985. Construction sketches and photos were also submitted. The plot plan showed the proposed garage to be 9'10" from the rear lot line but the petitioner claimed that the construction would be 10' and not require a variance for the rear yard setback.

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The Planning Board, at its regular meeting of October 8, 1985, voted to oppose the granting of the variance.

Decision

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

Variations may only be granted by the Permit Granting Authority once they have found any or all of the following (Section XXIV-D 1. as quoted from the Zoning Bylaw):

- "1. ...
- a. 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, ....AND
  - b. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw.

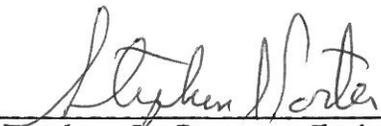
This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D of the Zoning Bylaw.

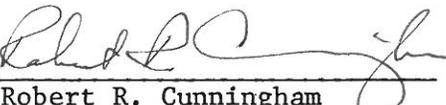
Therefore, it is the unanimous opinion of this Authority that this request for a variance be denied, and this petition is dismissed.

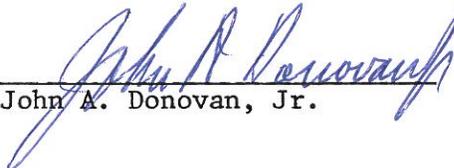
APPEALS FROM THIS DECISION,  
 IF ANY, SHALL BE MADE PURSUANT  
 TO GENERAL LAWS, CHAPTER 40A,  
 SECTION 17, AND SHALL BE FILED  
 WITHIN 20 DAYS AFTER THE DATE  
 OF FILING OF THIS DECISION IN  
 THE OFFICE OF THE TOWN CLERK.

cc: Planning Board  
 Building Inspector

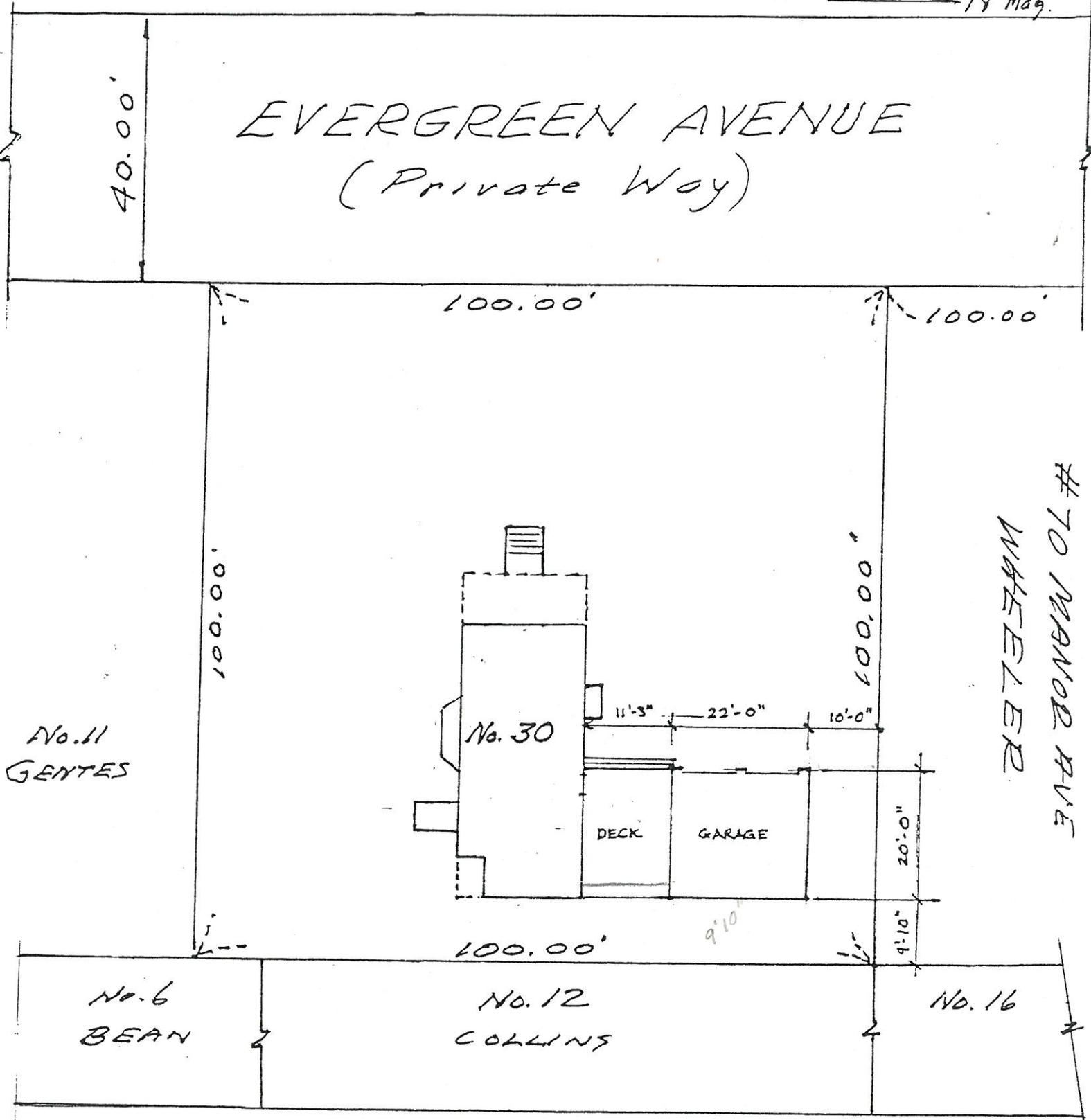
mam

  
 Stephen S. Porter, Chairman

  
 Robert R. Cunningham

  
 John A. Donovan, Jr.

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No. 11  
GENTES

No. 30

DECK

GARAGE

# 70 MANOR AVE  
WHEELER

No. 6  
BEAN

No. 12  
COLLINS

No. 16

PINEVALE AVENUE



Scale 1" = 20'

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Edmund C. Sheahan  
August 16, 1985