



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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85-66

Petition of Kenneth M. & Louise Goldberg
53 Falmouth Road

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 Town Offices at the Phillips Building, 12 Seaward Road, Wellesley Hills on the petition of KENNETH M. AND LOUISE GOLDBERG requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaws which will allow the construction of a two-car garage approximately 24' by 24' attached to the existing dwelling by an open breezeway at 53 FALMOUTH ROAD, leaving less than the required side yard on the northwesterly border of the property.

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

Presenting the case at the hearing was Kenneth Goldberg, who stated that his lot was bordered on three sides by streets, that he only has one abutter. A variance was granted to construct the existing two-car garage. A hardship exists on the lot due to soil and topographic conditions, caused by ledge and steep slopes. He stated that there is no other place on the lot to locate a garage, which is needed because they own four cars and the existing garage is flooded a good portion of the year.

Other than the petitioner, no others were present favoring or opposing the petition.

Statement of Facts

The property in question is located at 53 Falmouth Road at the corner of Scotch Pine Road, containing 42,078 square feet of land.

The petitioner is requesting a variance which will allow the construction of a two-car garage approximately 24 feet by 24 feet attached to the existing dwelling by an open breezeway, to be located at the westerly side of the dwelling, leaving a westerly side yard of 7.1 feet.

A Plot Plan was submitted, drawn by Theodore E. Dwyer, Registered Land Surveyor of Otte and Dwyer, Inc., Saugus, Ma., dated 8/20/85. Construction sketches and photos were also submitted.

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WELLESLEY, MASS.
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Petition of Kenneth M. & Louise Goldberg
53 Falmouth Road

A previous variance was granted (ZBA Case #72-69) to allow a two-car garage to be constructed on the easterly side of the house with less than the required setback from the boundary line of the Town of Weston.

The petitioner claims a hardship due to the topography of the property, presence of steep slopes and ledge around the house. He needs additional garage space to accommodate his four cars.

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

A letter was received from Joan and Thomas Moylan, 49 Falmouth Road, abutters to the property line involved, expressing opposition to the request.

Decision

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

Variances 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):

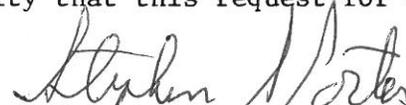
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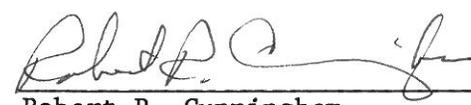
- a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to: i) soil conditions, ii) shape, or iii) topography of such land or structures, especially affecting such land or structures but not generally affecting the zoning district in which it is located; and the hardship shall not have been self-created; and
- 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."

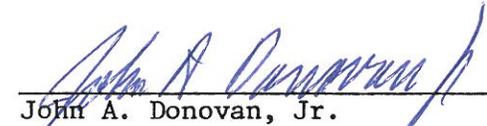
This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D of the Zoning Bylaw.

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.


Stephen S. Porter, Chairman


Robert R. Cunningham


John A. Donovan, Jr.

cc: Planning Board
Building Inspector

mam

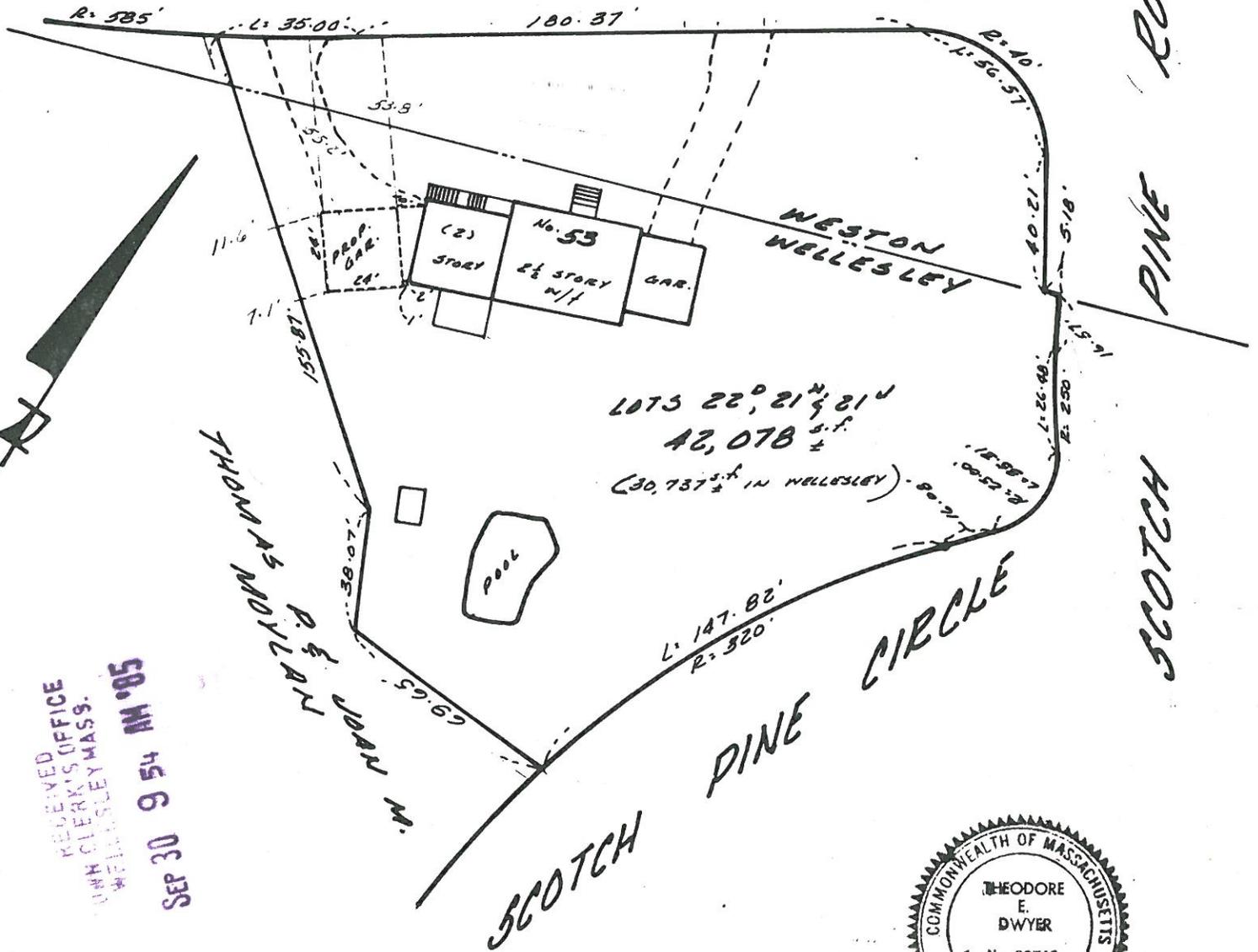
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TOWN CLERK'S OFFICE
WESTON, MASS.
RECEIVED

FALMOUTH ROAD

PINE ROAD

PINE

SCOTCH



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 WELLESLEY MASS.
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PLOT PLAN
 SHOWING PROPOSED GARAGE
 53 FALMOUTH ROAD
 WELLESLEY, MASS.
 SCALE: 1" = 50' AUG. 20, 1985
 OTTE & DWYER, INC. SURVEYORS
 6 WEBB PLACE SAUGUS, MA.