



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
JOHN A. DONOVAN, JR.
ROBERT R. CUNNINGHAM

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85-77

Petition of David Davidian
889 Worcester Street

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Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 30, 1986 at 8 p.m. in Room 17 of the Town Offices at the Phillips Building, 12 Seaward Road, Wellesley Hills, on the petition of David Davidian requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow the conversion of a non-conforming garage at 889 Worcester Street to a bedroom approximately 12 feet by 22 feet 6 inches, leaving less than the required right side yard.

On January 9, 1986, the petitioner filed a request for 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 David Davidian, who stated that the house was tiny and another bedroom is needed. He stated that there will be plenty of parking space on the lot and that he does not plan to use the premises for a home occupation.

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

Statement of Facts

The property in question is located at 889 Worcester Street, containing 12,626 square feet of land, in a Single Residence District. A variance was granted in 1950 (ZBA 50-32) allowing a garage to be constructed leaving a right side yard of 10 feet, the requirement being 20 feet. A Special Permit allowing a home occupation at 889 Worcester Street was granted in 1982 (ZBA 82-52) to Robert S. Warren, but the Special Permit was never exercised.

The petitioner is now requesting a variance to convert the garage, which is 12 feet by 22 feet 6 inches, to a bedroom, leaving less than the required right side yard. Further construction which meets the zoning requirements is planned at the rear of the dwelling.

A Plot Plan was submitted, drawn by Arthur R. Giangrande, Registered Professional Land Surveyor of Somerville Engineering Services Inc., Somerville, Ma., dated 12/17/85. Construction drawings by S.E. Architects were also presented, dated 12/12/85.

The Planning Board, at its regular meeting of January 14, 1986, voted to offer no objection to the variance based on there being no further encroachment into the inadequate sideyard.

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889 Worcester Street

Decision

This Authority has made a careful study of the evidence presented. The particular house in question in its location on the lot does not conform to the present Zoning Bylaws. The dwelling comes to 10 feet from the right side lot line per a variance granted by the Board of Appeals in 1950 to allow a garage. The petitioner now wishes to convert the garage to a bedroom.

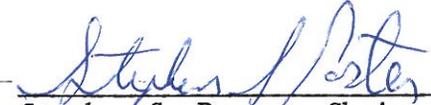
It is the opinion of this Authority that because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw. It is the opinion of this Board that the use of the garage as a bedroom will not be detrimental to the neighborhood.

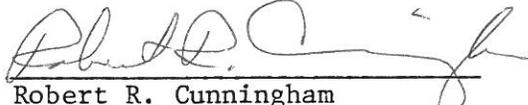
Therefore, the requested variance is granted to convert the garage at 889 Worcester Street to a bedroom as shown on the Plot Plan drawn by Arthur R. Giangrande, Registered Land Surveyor, dated 12/17/85.

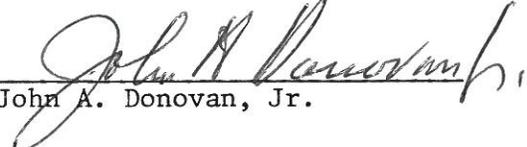
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

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

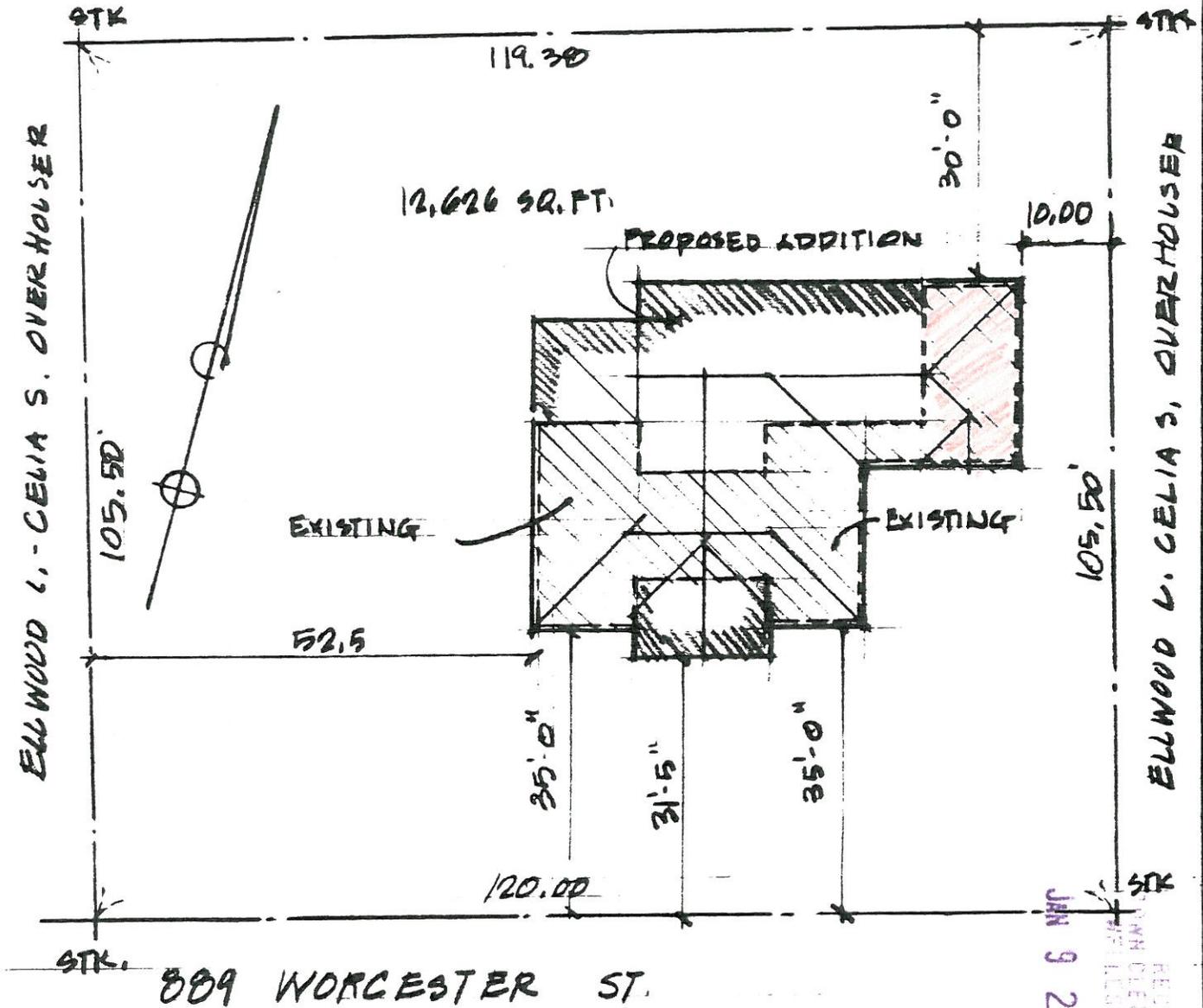

Stephen S. Porter, Chairman


Robert R. Cunningham


John A. Donovan, Jr.

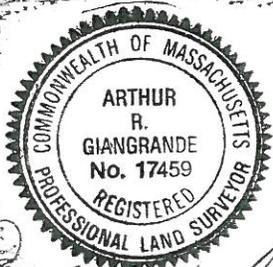
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Arthur Giangrande

PLOT PLAN

889 WORCESTER ST.

Location WELLESLEY Mass.

Scale: 1 in. = 20 ft. Date 12-17-85

Plan Reference FROM DRAWING DONE BY H.W. WHITTIER C.E. NATICK MA DATED, SEPT 12, 1949



SOMERVILLE ENGINEERING SERVICES, INC.
400 HIGHLAND AVENUE, SOMERVILLE, MASS.