



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 86-28

Petition of Joseph and Adeline Doherty
14 Oakdale Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 15, 1986 at 8 p.m. in Room 17 of the Town Offices at the Phillips Building, 12 Seaward Road, Wellesley Hills, Ma. on the petition of JOSEPH AND ADELINE DOHERTY 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 detached two-car garage approximately 24 feet by 22 feet in the general location of an existing non-conforming one-car garage at 14 OAKDALE AVENUE leaving less than the required rear yard.

On April 22, 1986 the petitioner requested a hearing before this Authority and thereafter due notice was given of the hearing by mailing and publication.

Presenting the case at the hearing was Joe Doherty, who stated that the existing garage is in poor condition and that he needs a larger garage. The upper part of the garage would be used for storage. Mr. Doherty stated that Lee Kilmer and Joe Spezzano, neighbors, were in attendance and in favor of the request.

Other than the petitioner, no one spoke in favor of or against the petition.

Statement of Facts

The property in question is located at 14 Oakdale Avenue, containing 10,213 square feet of land. Two non-conforming structures exist on the property; a dwelling unit and a detached one-car garage.

The petitioner proposes to demolish the 12 by 20 foot garage which is located 6.5 feet from the rear lot line and to construct a two-car garage approximately 22 feet by 24 feet leaving a rear yard of 6.5 feet.

A Plot Plan was presented, drawn by Carmelo Frazetti, Registered Land Surveyor, dated February 7, 1986. Construction sketches and photos were also submitted.

The Planning Board, at its regular meeting of May 13, 1986, reviewed the petition and, in a letter of May 15, 1986, stated it had voted to oppose the granting of a variance.

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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, 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 Board is of the opinion that there is ample room on the property to construct a two-car garage which would conform to the rear setback requirements.

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
Inspector of Buildings

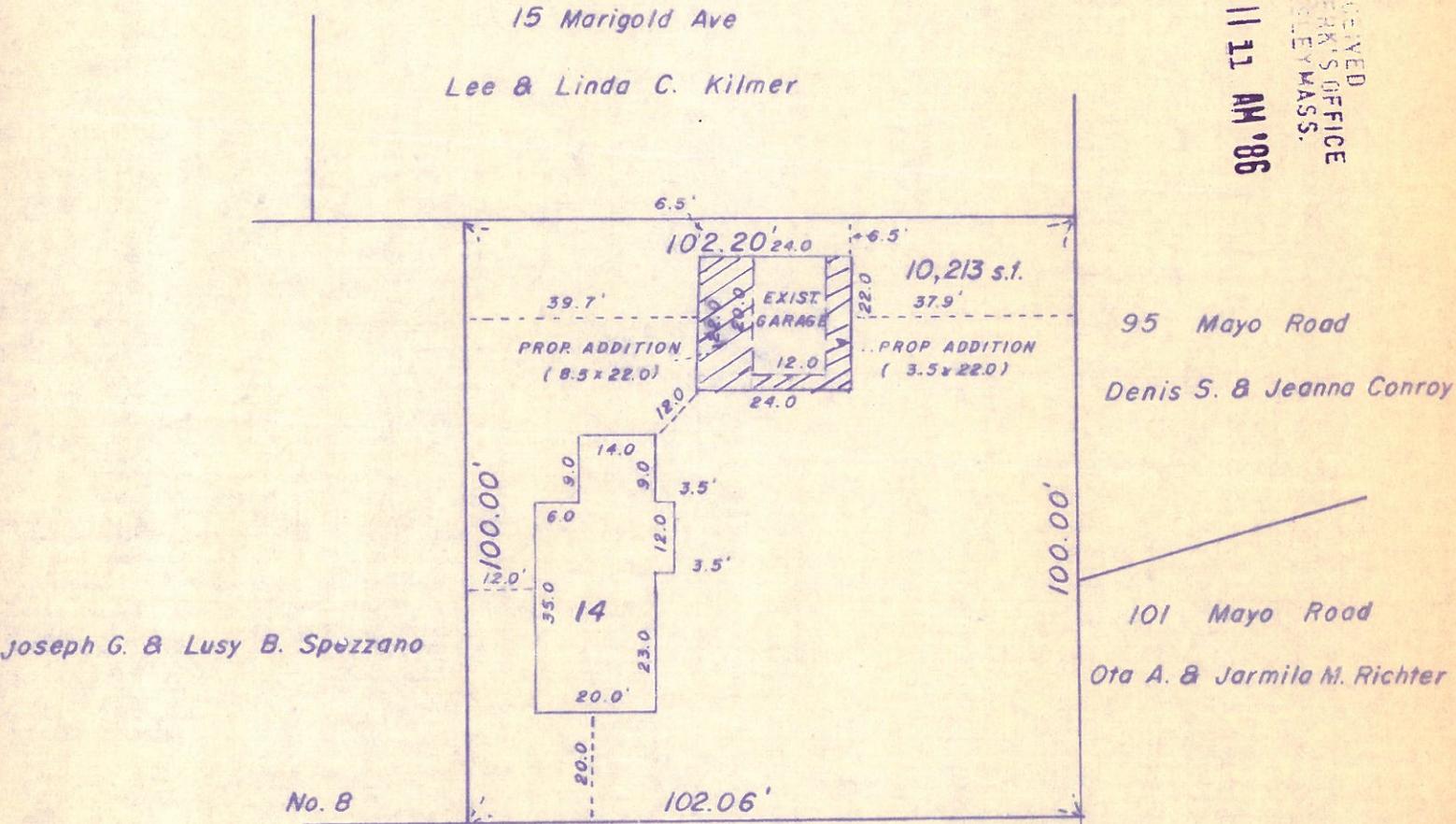
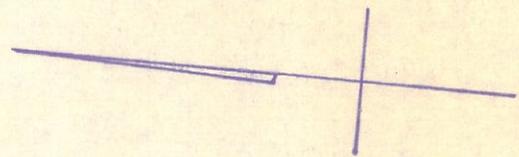
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John A. Donovan, Jr.


Robert R. Cunningham


William E. Polletta

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OAKDALE (public 40.00' wide) Avenue

PLAN OF LAND
in
WELLESLEY, MASSACHUSETTS
at
No. 14 OAKDALE AVENUE

Owned by
Joseph & Adeline Doherty
February 7, 1986
Carmelo Frazetti



Proposed Garage Addition
Scale: 1" = 30'
Land Surveyor