



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
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ZBA 86-34

Petition of Peter H. Dodson
1 Garden Place

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, June 12, 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 PETER H. DODSON requesting four variances from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow the following additions to his non-conforming dwelling at 1 GARDEN PLACE at the corner of Chestnut Street: 1) a two-story addition approximately 21.5 feet by 27 feet at the location of an existing storage room and screened porch (to be removed) for new kitchen, family room, and game room, leaving less than the required rear yard setback; 2) a one-story addition approximately 7.5 feet by 26.2 feet at the easterly side of the dwelling for addition of a laundry room, expansion of an existing bedroom and including a storage shed, leaving less than the required left (easterly) side yard; 3) a 12 foot by 16 foot covered parking structure at the front of the dwelling, leaving less than the required left (easterly) side vard and less than the required setback from Garden Place: 4) a 1 foot by 6 foot bav window to replace an existing 2 foot by 6 foot bav window at the west side of the house. leavinø less than the required rear yard setback.

On May 22, 1986 the petitioner requested 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 Alain Munkittrick, architect for the petitioner, who referred to a letter of June 5 and explained the four variance requests. He stated that the existing house is non-conforming, constructed in the early 1900's only .4 feet from the lot line at the rear corner. In referring to the parking structure, he stated that the proposed location is best because if it were located on the other side of the house it would block the only view of the yard. Mr. Dodson's house is the only house facing Garden Place. Mr. Dodson also spoke to the request.

Present in favor of the request was Anne Moodey, 30 Garden Road, abutter to the Dodson property.

Statement of Facts

The property in question is located at 1 Garden Place at the corner of Chestnut Street, containing 11,890 square feet of land. The dwelling is a non-conforming structure, built in the early 1900's with a left side yard of .4 feet and a rear yard of .8 feet.

The petitioner proposes variances for four additions to the structure as described above.

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A Plot Plan was presented, drawn by John P. Hurney, Registered Land Surveyor, of Barnes Engineering Co., Auburndale, Ma. dated May 19, 1986. Construction drawings were presented by Munkittrick Associates, Newton Corner, Ma. dated 5/20/86. Photos were also submitted.

The Planning Board, at its regular meeting of June 3, 1986, and as stated in a letter of June 9, 1986, voted to "oppose the granting of the variance requests based on the belief that there are alternatives for additions to the house."

Letters in support of the request were received from Nathaniel Sims, 23 Chestnut Street, Jerome & Lois Swietnicki, 1 Chestnut 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 .4 feet from the easterly lot line and .8 feet from the southerly lot line.

It is the opinion of this Board that the proposed variances #1, #2 and #4 conform to the existing lines of the dwelling and do not alter the relationship of the house to the lot lines.

It is the opinion of this Board that, because of the shape of the lot and the location of the dwelling 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.

Therefore, variances are granted for:

- Request #1: a two-story addition, approximately 21.5 feet by 27 feet, leaving a rear yard of 18 feet.
- Request #2: a one-story addition approximately 7.5 feet by 26.2 feet at the easterly side of the dwelling, leaving a side yard of 1.1 feet at the rear of the addition and 2.2 feet at the front of the addition and a street setback of 30.7 feet. This addition must meet all fire safety requirements.
- Request #4: a 1 foot by 6 foot bay window at the westerly side of the house to replace an existing 2 foot by 6 foot bay window.

These variances are as shown on Plot Plan drawn by John P. Hurney, Registered Land Surveyor, of Barnes Engineering Co., Auburndale, Ma., dated May 19, 1986.

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.

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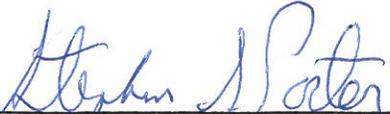
Petition of Peter H. Dodson
1 Garden Place

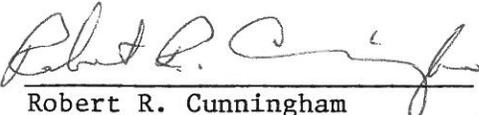
Concerning the variance request #3 for the 12 by 16 foot parking structure at the front of the house, leaving a street setback of 14.7 feet and less than the required easterly sideyard, this Authority fails to find "substantial hardship" within the meaning of Section XXIV-D of the Zoning Bylaw. Therefore, it is the unanimous decision of this Authority that this request for a variance be denied.

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

mam


Stephen S. Porter, Chairman


Robert R. Cunningham


William E. Polletta

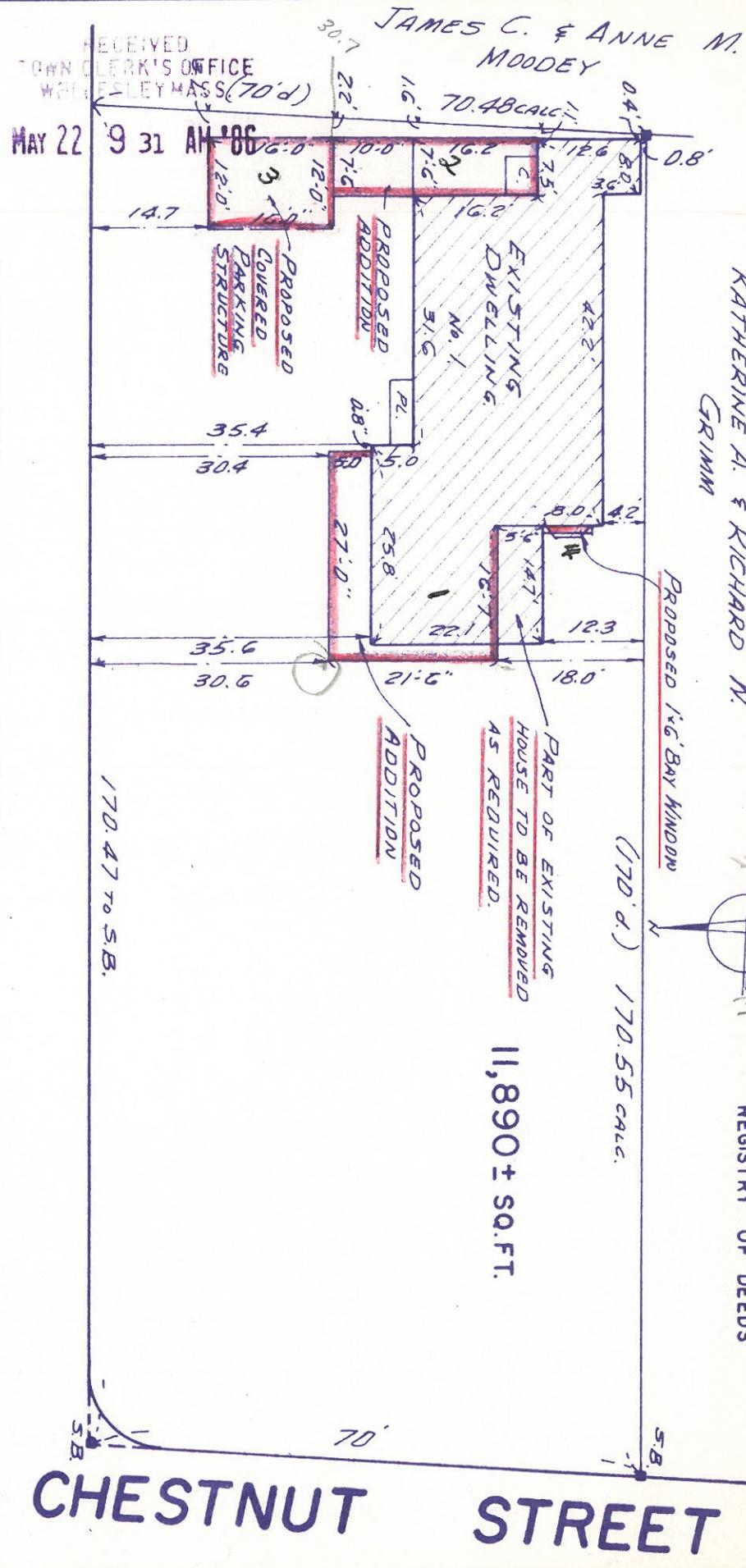
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100 STATE STREET
WILMINGTON, MASS.

JUL 16 9 38 AM '86

KATHERINE A. & RICHARD W. GRIMM

LOT DESIGNATIONS REFER TO
 BOOK 6038 PAGE 95
 RECORDED: NORFOLK COUNTY
 REGISTRY OF DEEDS

(170' D.) 170.55 CALC.



GARDEN PLACE

(N.C.R.D., BK. 1888, PG. 501)

I CERTIFY THAT THIS BUILDING IS LOCATED AS SHOWN ABOVE.

John P. Hurney
 REGISTERED LAND SURVEYOR No. 8743



LOT PLAN OF PROPERTY IN
WELLESLEY, MASS.

BELONGING TO
 PETER H. DODSON

SCALE: 1 IN. = 20 FT. MAY 19, 1986

BARNES ENGINEERING COMPANY, INC.
 411 LEXINGTON STREET
 AUBURNDALE - MASS.

1935