TOWN OF WELLESLEY MASSACHUSETTS

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ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

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ZBA 98-19
Petition of Donald Hollings and Martha Castro
45 Arlington Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 2, 1998 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of DONALD HOLLINGS AND MARTHA CASTRO requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of an existing detached nonconforming one-car garage and construction of a 22 foot by 22 foot detached two-car garage, with less than the required rear yard setback, at their property at 45 ARLINGTON ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 9, 1998, the petitioners filed a request for 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 Donald Hollings, who said that he is proposing to raze the existing one-car garage that has a rear setback of a little more than 14 feet, and construct a two-car garage maintaining the existing setback.

Sandra Goldstein, 18 Berkshire Road, the direct rear abutter, stated that the garage is very close to the property line. Extending the garage to the right will site it directly behind her house and on her side yard about 36 feet from where her family room and deck are located. She felt that the proposed garage would have a definite negative impact on her property, and preferred that the garage be expanded to the left.

Mr. Hollings said that the garage was constructed in the 1920's and needs to be rebuilt. They would like to expand the garage to the right, which will be directly behind their home. Cars will enter from the left side of the garage. A 10 foot separation between the house and the garage is required by the building code, so the garage could only be moved forward .5 inches. Attaching the garage to the house would create a more imposing structure. Locating the garage closer to the left side line would result in the need for a variance.

Beth Jakubowski, 126 Forest Street, expressed opposition to the petition.

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The Board commented that the 22 foot by 22 foot garage is the minimum size for a two-car garage and that the petitioners are limited in their options for siting the garage. The proposed garage will be no more detrimental than the existing garage as it is coming no closer to the rear line.

Statement of Facts

The subject detached garage is located on a 16,504 square foot lot at 45 Arlington Road, in a Single Residence District, and has a minimum rear yard clearance of 14.7 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of the existing nonconforming garage and construction of a 22 foot by 22 foot detached two-car garage, with a minimum rear yard clearance of 14.7 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming garage.

A Plot Plan dated February 2, 1998, drrawn by George N. Giunta, Registered Land Surveyor; a floor plan and elevations; and photographs were submitted.

On March 24, 1998, the Planning Board reviewed the petition and commented that the request was more in the nature of a request for a variance than a finding. It appears that there is space on the lot for a garage conforming to the setback requirements.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject detached garage does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the proposed demolition of the existing one-car garage and construction of the detached two-car garage will not be substantially more detrimental to the neighborhood, for although the nonconformance will be intensified, no new nonconformance will be created.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to demolish the existing garage and construct the proposed two-car garage, subject to construction in accordance with the submitted Plot Plan and construction drawings.

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

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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

John A. Donovan, Jr., Chairman

Kendall P. Bates

William E. Polletta

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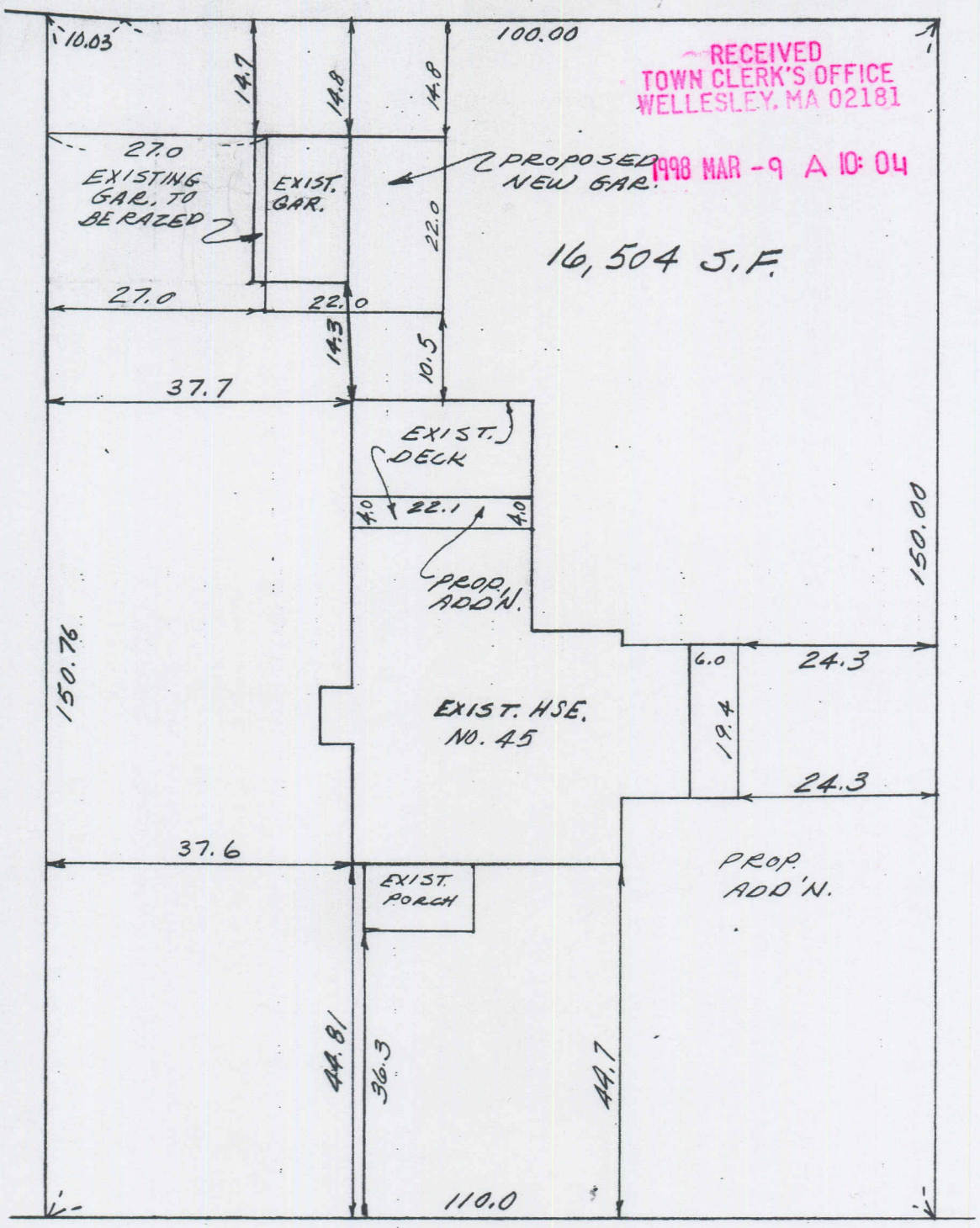

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EXIST. LOT COV. = 13.0%
PROP. LOT COV. = 15.2%

ARLINGTON ROAD

PLOT PLAN OF LAND
IN
WELLESLEY —— MASS.

FEB. 2, 1998 SCALE 1" = 20'

NEEDHAM SURVEY ASSOCIATES, INC.
281 CHESTNUT ST
NEEDHAM, MASS.

COMMONWEALTH OF MASSACHUSETTS
GEORGE N. GIUNTA
No. 27011
REGISTERED LAND SURVEYOR