



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

WILLIAM F. CULLINANE, CHAIRMAN
STEPHEN S. PORTER
JOHN A. DONOVAN, JR.

STEPHANIE J. GOSSELIN
Executive Secretary
Telephone
235-1664

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

Petition of James and David Powers

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Wednesday, April 29, 1981 at 8:00 PM on the Petition of James & David Powers, requesting a Variance from the terms of Section XIX of the Zoning Bylaw which will allow the addition of a new bay onto an existing one car garage at 156 Walnut Street, with a front yard setback of less than the required thirty (30) feet. Said request is made under the provisions of Section XXIV-D of the Zoning Bylaw.

On March 30, 1981 the petitioners filed for a hearing before this Board and thereafter notice was given of the hearing by mailing and publication.

Present at the hearing and speaking on behalf of this request was David Powers. Mr. Powers explained that the request is for a second bay onto an existing one car garage. The proposed new bay would be attached to the existing garage on the right side and therefore would be within 4' from the existing dwelling. The garage would be 24' from the front property line, while the existing dwelling is approximately 8' or 9' off the front property line. Mr. Powers stated that he is aware the right side of the proposed garage if granted would have to be firecoded according to the State Building Code.

Statement of Facts

The property involved is located within a Single Residence District. The locus 156 Walnut Street is comprised of 10,250 square feet of land.

The petitioner seeks permission to construct a second bay onto an existing one car garage. The proposed second bay would be 9' wide by 15.8' long, therefore creating a total two car garage, including the existing and the proposed garages, of 21.10' x 15.8', as indicated on the Construction Plans submitted with this petition and filed in on March 30, 1981.

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A Plan, bearing the words "This Plot Plan was not made from an instrument survey and is drawn for the use of the Mortgagee for mortgage purposes only.", was submitted to this Authority, drawn by Gleason Engineering Company and dated January 22, 1960. This Plan shows the existing house and garage along with the proposed second bay, front and side yard lines from structures to the property line.

The application submitted with this request states that "the land of the lot slopes immediately behind the garage with a 15' drop to the back of the house. There is a small flat area, then the land slopes again with a drop of another 15' to the right of way. The house is built on a hill side with the existing garage located on the only flat area adjacent to the road, and the only flat area large enough to hold a garage. Due to the location of the existing garage, the topography and shape of the lot, it is not feasible to build anywhere else on this lot."

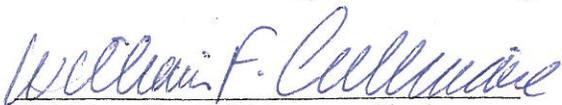
Decision

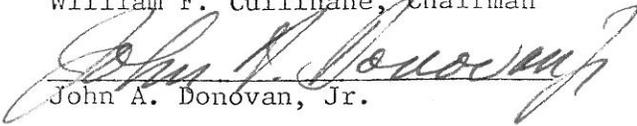
This Authority has made a careful study of the evidence submitted and at least one member has taken a view of the locus. This Authority notes the construction of the proposed garage addition was started prior to obtaining the necessary permits and admonishes the Petitioners for failing to follow the established rules and procedures.

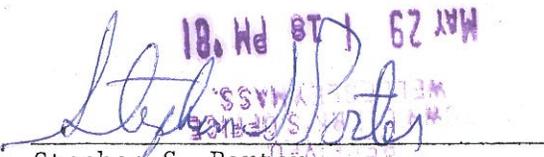
However, this Authority is of the unanimous opinion the proposed garage addition will enhance this single family home and the neighborhood in general and that due to circumstances relating to the topography of the lot in question, a literal enforcement of the terms of Section XIX of the Zoning Bylaw would involve substantial hardship to the petitioners and that, subject to the Conditions listed below, desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw and without substantial detriment to the public good.

Therefore, the Inspector of Buildings is authorized to issue a permit for the construction of the proposed garage extension per the Construction Plans filed with this Petition and subject to the following Conditions:

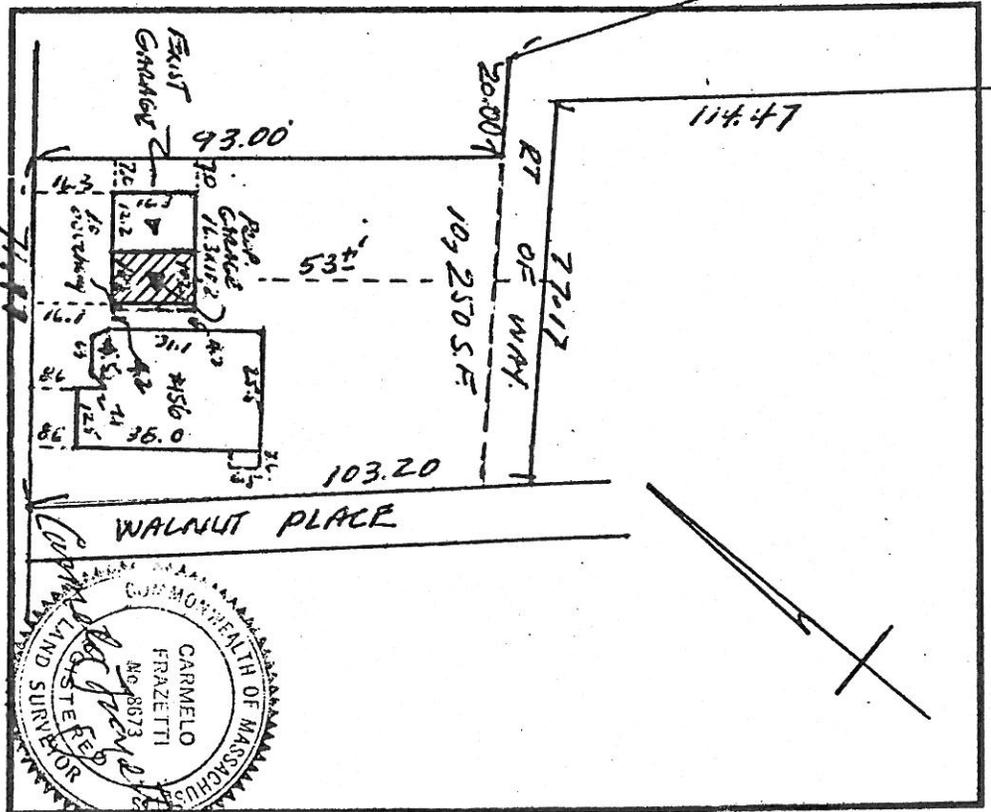
1. A new Plot Plan prepared by a Registered Land Surveyor be submitted showing the proposed addition and all pertinent measurements, including the distance between the proposed garage and the house.
2. That the Building Inspector inspect the dwelling as well as the garage, inside as well as outside, to ensure its use is in full compliance with the Zoning Bylaw as a single family dwelling.


William F. Cullinane, Chairman


John A. Donovan, Jr.


Stephen S. Porter

WALNUT STREET
SCALE 1 1/2" = 40'



DIAGRAM

