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Orig

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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Executive Secretary
Telephone
235-1664

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Petition of Barry King

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Wednesday, July 1, 1981 at 8:00 PM on the Petition of Barry King, requesting a variance from the terms of Section XIX of the Zoning Bylaw which requires that any accessory buildings be constructed twenty (20) feet from the rear lot line. The petitioner seeks a variance in order to construct a garage at his dwelling at 121 Glen Road. Said request is made pursuant to Section XXIV-D of the Zoning Bylaw.

On June 8, 1981 the petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

There was nobody present at the hearing speaking on behalf of this request. The petitioner's application states that he is seeking a variance because the 20' restriction would place his garage in a ledged area with four mature trees. The lot is a corner lot with apparent ledge 2' above grade.

Present at the hearing and speaking in opposition to this request were Mr. and Mrs. Wilson C. Piper who own the property at the Easterly side by the proposed garage. Mr. Piper submitted a letter of opposition. At the hearing he mentioned that many trees would have to be taken down. Mr. Piper's house which is 40' from the lot line would be directly opposite the proposed garage without any screening and would be visible from the living areas of the house.

Statement of Facts

The property involved is located in a Single Residence District. The locus in question is located at 121 Glen Road, on the corner of Oxbow Road, the lot contains 42,556 square feet.

The proposed garage addition will consist of a 24' x 30' two car garage with storage space above. The Zoning Bylaw requires side yard and rear yard set back of a minimum of 20'.

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A Plot Plan was submitted to this Authority drawn by Carmelo Frazetti, Registered Land Surveyor, dated May 18, 1981. Construction Plans were also submitted to this Authority drawn by Kevin A. Gordon dated April 26, 1981 and numbered A-1.

A letter dated July 1, 1981 was received by this Authority from the Planning Board stating "It appears there are a variety of options available for locating a garage on this lot in compliance with the Zoning Bylaw. The request represents a substantial encroachment on the required side yard which should be denied".

Decision

This Authority has made a careful study of the evidence submitted. At least one member has taken a view of the locus.

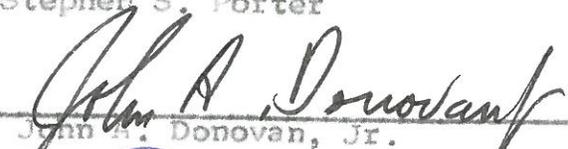
Section XXIV-D 1. of the Wellesley Zoning Bylaw states that a Variance, such as the one being requested by the Petitioner, may be granted if this Authority specifically finds that:

- 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.

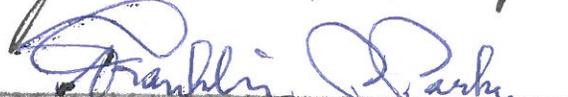
This Authority fails to find hardship within the meaning of the Zoning Bylaw. Therefore, the request is denied and this petition is dismissed.



Stephen S. Porter

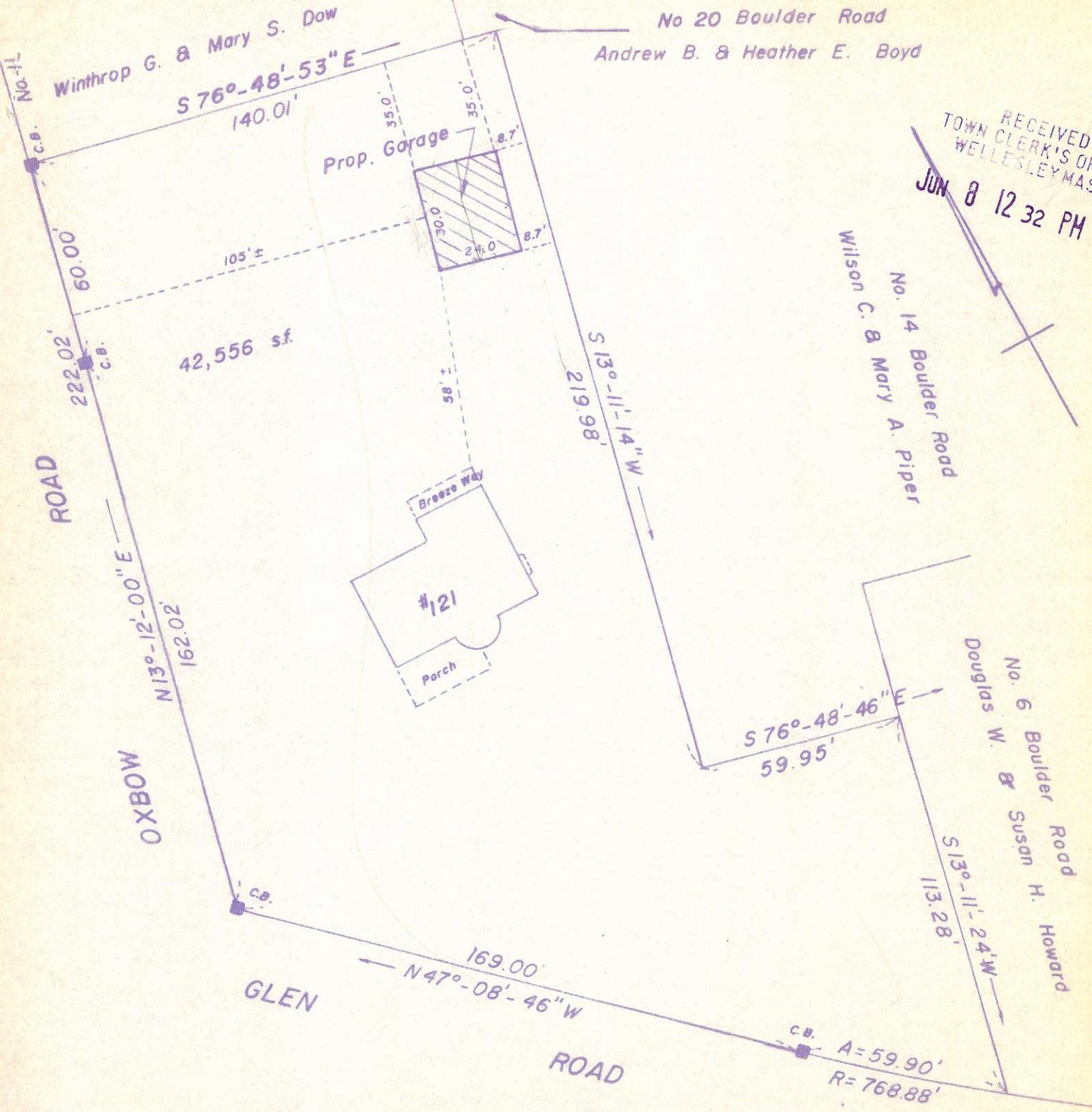


John A. Donovan, Jr.



Franklin P. Parker

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PLAN OF LAND
 in
 WELLESLEY, MASSACHUSETTS
 at
 No. 121 GLEN ROAD

Owned by
 Barry L. & Linda King
 May 18, 1981
 Carmelo Frazetti



Proposed Garage
 Scale: 1" = 40'
 Land Surveyor