

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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83-42

Petition of Bernard A. Herman

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8 p.m. on Thursday, August 11, 1983, on the petition of Bernard A. Herman, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of an addition at 57 Damien Road, consisting of a two-car attached garage and entry approximately 25 feet by 22 feet, leaving less than the required right side yard. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On July 22, 1983, the petitioner filed a request for 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 Bernard Herman, who introduced his architect, Marjorie Pierce. She stated that the Hermans cannot use the present two-car garage located under the house because the pitch of the driveway is too steep, and impossible to use in winter. The proposed two-car garage would be at ground level. Fill would have to be brought in. Other homes in the neighborhood have surface garages.

Present in favor of the petition was Nancy Morrow, 61 Damien Road. Frederic O. Glover, Jr., 53 Damien Road, abutter on the side of the proposed garage, supported the request but expressed concern about disruption to plantings, grading and drainage problems.

Statement of Facts

The property involved is located at 57 Damien Road, containing approximately 16,000 square feet of land, in a Single Residence District.

The existing dwelling has a two-car garage underneath the house with a steeply pitched driveway, which the petitioner claims is unusable. The Hermans propose a two-car garage at ground level, 25 feet by 22 feet, extending to 13.3 feet from the right side lot line. They claim hardship due to the topography of the lot.

A Plot Plan was presented, drawn by John P. Hurney, Registered Land Surveyor, of Barnes Engineering Co., Inc., Auburndale, Ma., dated July 11, 1983. Construction drawings by Marjorie Pierce, Architect of Weston, Ma., were submitted, dated July 14, 1983.

The Planning Board, in a letter dated July 28, 1983, stated its opposition to the variance request in that it proposes a substantial encroachment on an otherwise conforming sideyard.

Decision

This Authority has made a careful study of the evidence presented.

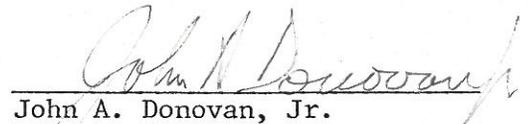
It is the opinion of this Authority that the existing garage at 57 Damien Road was impractical and unique when originally built. It is the unanimous decision of this Board that because of this condition and the shape and topography of the lot, a literal enforcement of the provisions of Section XIX of 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.

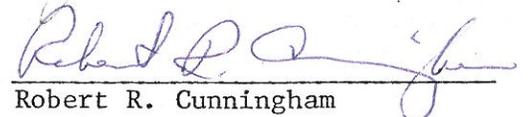
However, this Authority is of the opinion that the variance requested would constitute a substantial encroachment on the right side lot line, and that the size of the garage could be reduced and still allow space for two small cars.

Therefore, a variance is granted to construct a garage to be attached to the dwelling, coming no closer than 17 feet from the right side lot line. The petitioner is requested to perform all grading to insure that the abutters' property at 53 Damien Road is not adversely affected.

The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a revised plot plan, a building application, and construction plans.

  
Stephen S. Porter, Chairman

  
John A. Donovan, Jr.

  
Robert R. Cunningham

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