TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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83-58
Petition of J. Robert Connor

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Thursday, November 17, 1983 at 8 p.m. on the petition of J. ROBERT CONNOR, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a detached one-car garage approximately 13'5" by 23' at 12 BROOK STREET leaving less than the required left side yard. Said property is located in a General Residence District and said request is made pursuant to Section XXIV-D of the Zoning Bylaw.

On October 25, 1983, the petitioner requested a hearing before this Board and notice was given by mailing and publication of said hearing.

Presenting the case was J. Robert Connor, who stated that he wishes to replace an existing shed/garage that is 8.5 feet from the left side yard with a one-car garage, leaving a four foot sideyard. He stated that if the garage were constructed per bylaw requirements, a large shade tree would have to be demolished, the back yard would be destroyed and the garage would be an eyesore to the neighbors. The left sideyard adjoins the parking lot and playground of the Christ Church. He presented a letter of support from Christ Church, a petition signed by neighbors expressing support and a plan of land of the area. He stated that if the Board would not grant 4 feet, 6 feet would be acceptable.

No one was present either favoring or opposing the petition.

Statement of Facts

The property in question is located at 12 Brook Street, containing 10,000 square feet, in a General Residence District.

A shed/garage exists at the rear of the property, approximately 8.5 feet from the left side line. The petitioner proposes to tear it down and construct a larger one-car garage 13.5 feet by 23 feet coming to four feet from the left side lot line.

A Plot Plan was submitted, drawn by Philip R. Brown, Registered Land Surveyor of MacCarthy and Sullivan Engineering, Inc., Natick, Ma. , dated August 15, 1983. Construction drawings were also submitted.

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A letter of support for the petition was presented from Arthur Alexander, Chairman, Board of Trustees, Christ Church United Methodist, 9 Wellesley Avenue, dated 10/28/83.

A petition expressing support to the application was received, signed by Myron and Oriel Siner, 14 Brook Street, Ellis Traub, 18 Brook Street, Beatrice Higgins, 15 Wellesley Avenue.

The Planning Board, in a letter dated November 16, 1983, recommended denial of the petition.

Decision

This Authority has made a careful study of the evidence submitted. The petitioner is proposing a one-car garage coming to 4 feet from the left sideyard.

It is the opinion of this Authority that the proposed garage would represent a substantial encroachment on the sideyard. However, it it the opinion of this Authority that, because of the shape of the lot and the location of the house 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 bylaw.

Therefore, a variance is granted to allow a garage 13.5 feet by 23 feet to be constructed at 12 Brook Street, coming no closer to the left side lot line than the existing shed, or 8.5 feet.

A revised plot plan must be submitted to the Inspector of Buildings who is hereby authorized to issue a permit for the construction upon receipt and approval of a building application and construction plans.

Stephen S. Porter, Chairman

John A. Donovan, Jr.

Robert R. Cunningham

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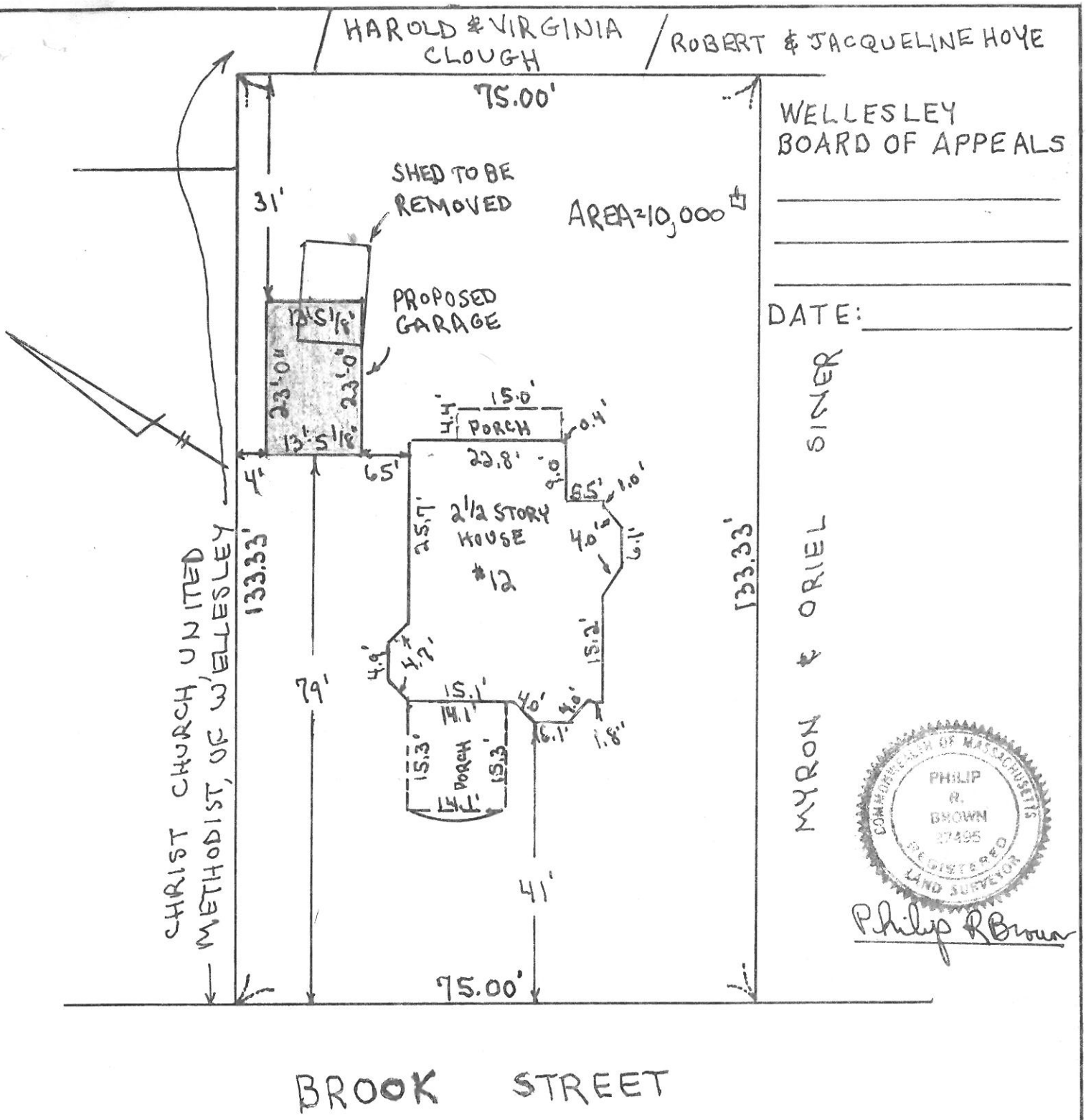

PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY: J. ROBERT & MARGARET B. CONNOR

SCALE: 1" = 20' AUG. 15, 1983

PLAN BY: MACCARTHY & SULLIVAN ENGINEERING INC.
81 SPEEN ST. NATICK, MASS.