

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

OCT 29 9 20 AM '87

JOHN A. DONOVAN, JR., Chairman
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ZBA 87-80

Petition of Jo Ellen and Enrique Ojeda
25 Oxbow Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, October 15, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, pursuant to the request of JO ELLEN AND ENRIQUE OJEDA requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow the addition to their dwelling at 25 OXBOW ROAD of a detached two-car garage approximately 24 feet by 24 feet at the rear of the property, leaving less than the required right side yard, said dwelling being in a Single Residence District.

On September 25, 1987, the petitioners requested 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 Jo Ellen Ojeda. Mr. Ojeda was also present. Mrs. Ojeda explained that at present, with a straight driveway and a one-car garage, there is no room to turn the cars around, necessitating backing out of the driveway onto Oxbow Road which is heavily trafficked. The Ojedas plan to construct a semi-circular drive, connecting to the present driveway, exiting onto Boulder Road, which would enable them to turn the cars around and enter Oxbow Road facing the street.

A hemlock hedge presently screens the proposed garage from the property owned by Mrs. Virgie Little, who had no objection to the construction, and landscaping would be added to the front of the garage to screen it from the front.

The garage was located as shown on the Plot Plan to avoid extensive blasting due to the presence of ledge and a boulder in the center of the yard. Had the garage been sited closer to the house, a variance would still have been required unless it had been positioned only 12 feet from the dwelling, as the house is located on a corner lot and must meet the front setback requirements on both Oxbow and Boulder Roads.

Mrs. Ojeda presented a letter from Mrs. Jack Dempsey, 31 Boulder Road, expressing favor of the request.

Statement of Facts

The dwelling is located at 25 Oxbow Road on a 14,623 square foot corner lot fronting both Oxbow Road and Boulder Road, in a Single Residence District.

A Plot Plan, dated June 5, 1987, prepared by Carmelo Frazetti, Registered Land Surveyor, and construction plans, dated September 2, 1987, prepared by LaConte, Inc. were submitted.

The petitioners request a variance to construct a detached two-car garage approximately 24 feet by 24 feet at the rear of the property leaving a minimum right side clearance of 12.02 feet. A letter was submitted with the application enumerating the points

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covered by Mrs. Ojeda at the hearing.

The Planning Board, at its regular meeting of September 29, 1987, voted to recommend denial of the request as it appeared that a garage of the desired size could be located on the lot in compliance with the zoning requirements.

Decision

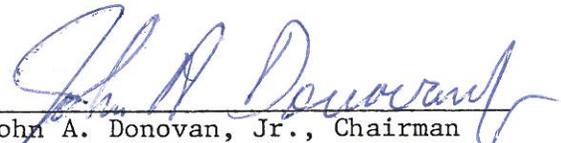
This Authority has made a careful study of the facts presented. It is the opinion of this Authority that because of the pie-shape of the lot, the fact that it is a corner lot requiring a 30 foot setback from both Oxbow and Boulder Roads, the existence of extensive ledge and a boulder on the lot that literal enforcement of the provisions of Section XIX would involve a substantial hardship to the petitioners. It is also the opinion of this Authority that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted subject to construction in conformance with the Plot Plan and construction plans listed above.

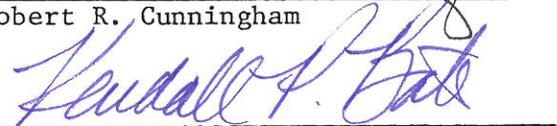
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.


John A. Donovan, Jr., Chairman


Robert R. Cunningham

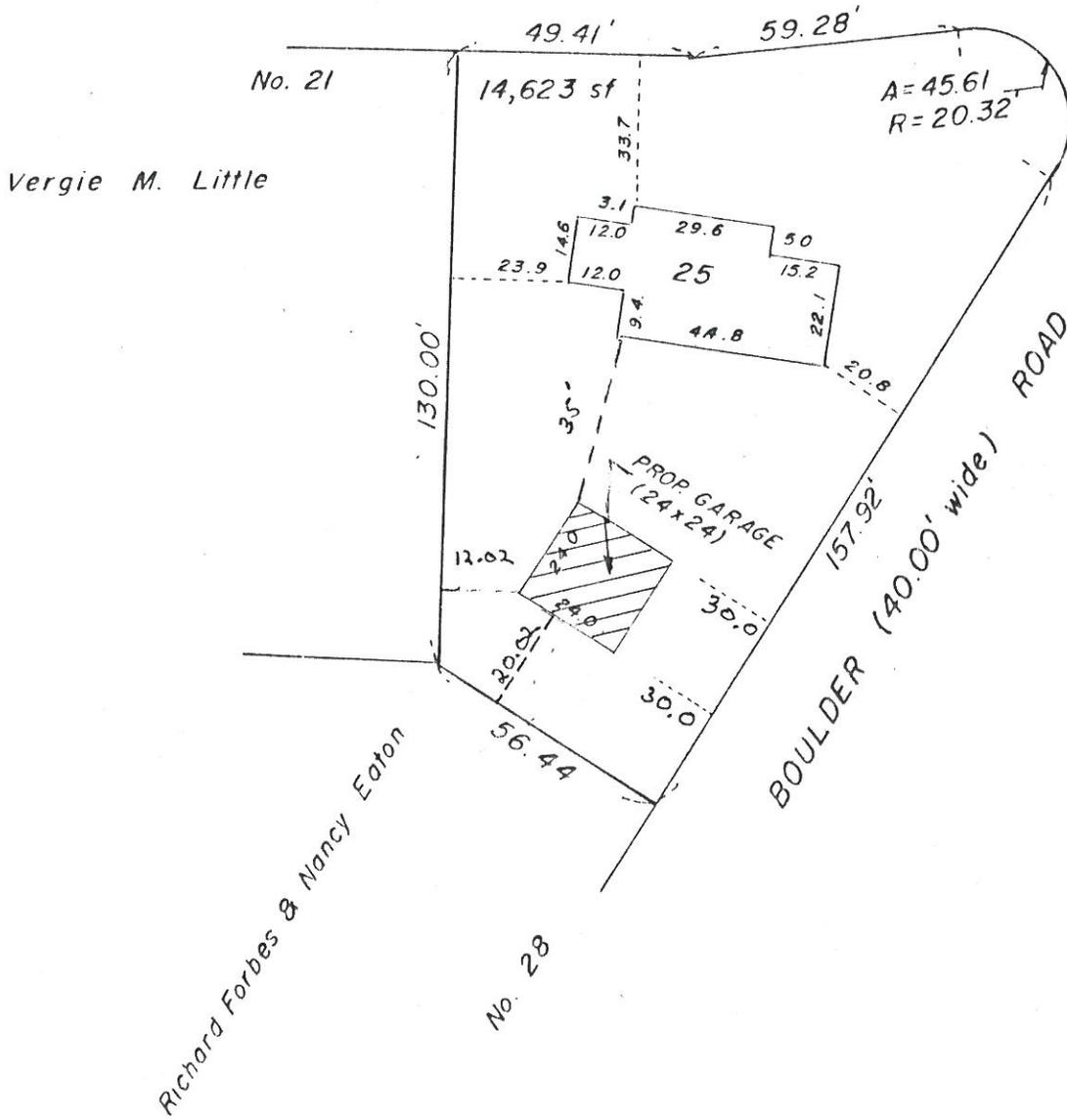

Kendall P. Bates

cc: Planning Board
Inspector of Buildings

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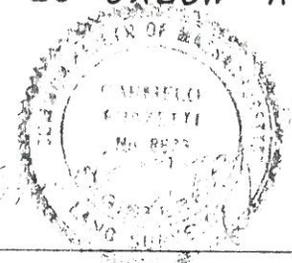
OXBOW (40.00 wide) ROAD



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PLAN OF LAND
 in
 WELLESLEY, MASSACHUSETTS
 at
 No. 25 OXBOW ROAD

Owned by
 Jo Ellen & Dr. J. Enrique Ojeda
 June 5, 1987
 Carmelo Frazetti



Proposed Garage
 Scale 1" = 40'
 Land Surveyor