


 ZONING BOARD OF APPEALS
 TOWN HALL WELLESLEY, MA 02181

DEC 3 1 52 PM '87

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ZBA 87-86

 Petition of M. Elizabeth Williamson
9 Indian Springs Way

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, November 19, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley on the petition of M. ELIZABETH WILLIAMSON requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which would allow removal of a bicycle shed and construction of an attached two-car garage approximately 8 feet by 21 feet on the right side of her non-conforming dwelling at 9 Indian Springs Way, in a Single Residence District, leaving less than the required right side yard.

Presenting the case was John Williamson, who was accompanied by his wife, Elizabeth. Mr. Williamson stated that the house was built 37 years ago. Due to the angle of the right side line, the addition would be an encroachment on a presently conforming right side yard. The Williamsons wish to build the garage as they now have two cars which they wish to protect, and are concerned with the recurring vandalism at the Wellesley Farms Station Parking lot which is located about 200 yards from their home.

The Board questioned if the garage could be relocated 6 feet forward so no variance would be necessary. Mr. Williamson responded that to do so, the ridge line of the roof would have to be altered, and that the garage might then become non-conforming as to the front setback.

Mr. Williamson presented a letter from his right side abutter expressing favor. No others were present expressing favor or opposition to the request.

Statement of Facts

The non-conforming dwelling is located at 9 Indian Springs Way in a Single Residence District, on a 22,665 square foot lot with a left side yard of 19.60 and a right side yard which is presently in conformance with the Zoning Bylaw.

The petitioner requests a variance to remove an existing bicycle shed and construct an attached two-car garage approximately 8 feet by 21 feet on the right side of the dwelling, leaving less than the required right side yard. The right side yard is presently conforming. The addition of the garage would leave a right side yard of 15.91 feet to the right side line.

A Plot Plan dated October 1, 1987, drawn by George N. Giunta, Registered Land Surveyor, construction drawings and photographs of the property were submitted.

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The Planning Board, in its letter of November 12, 1987, opposed the granting of the variance as it appeared there were alternative locations which would comply with the zoning requirements.

Decision

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

Variations may only be granted by the Permit Granting Authority once they have found any or all of the following (Section XXIV-D 1) as quoted from the Zoning Bylaw:

"1. ...

- 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: 1) 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;...
- 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."

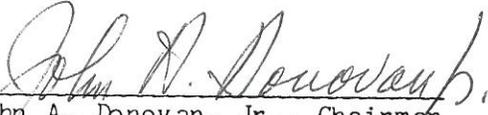
It is the opinion of this Authority that the hardship would be self-created and that the variance could not be granted without substantially derogating from the intent or purpose of this Zoning Bylaw.

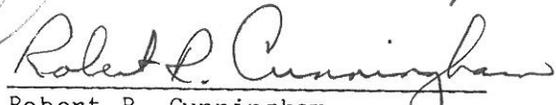
Therefore, it is the unanimous opinion of this Authority that this request for a variance be denied, and this petition is dismissed.

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.

cc: Planning Board
Inspector of Buildings

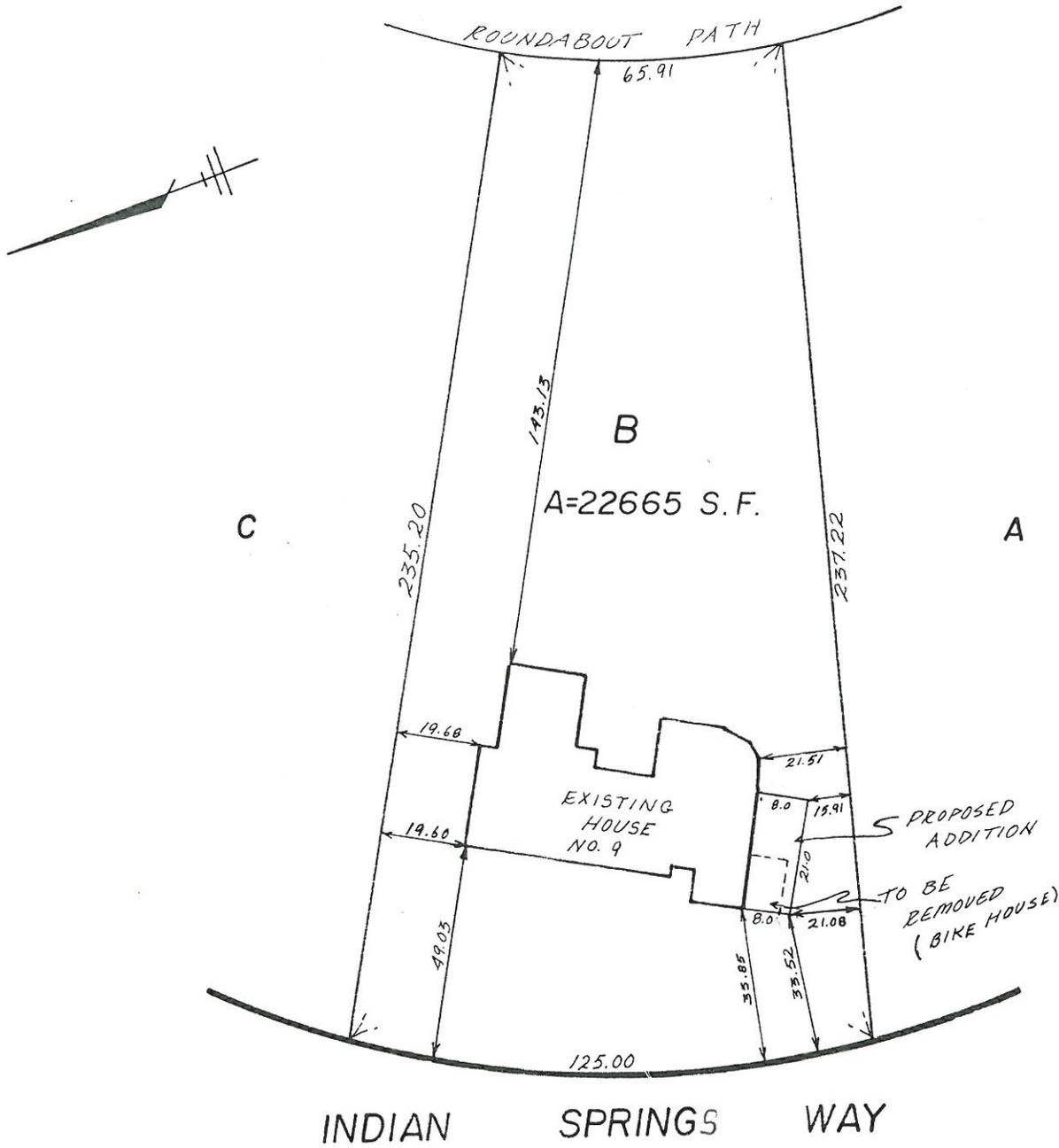
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John A. Donovan, Jr., Chairman


Robert R. Cunningham


Kendall P. Bates

DEC 3 1 52 PM '87
TOWN CLERK'S OFFICE
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RECEIVED



PLOT PLAN OF LAND
IN
WELLESLEY — MASS.

OCT. 1, 1987 SCALE 1" = 40'

NEEDHAM SURVEY ASSOCIATES
76 NEHOIDEN ST.
NEEDHAM, MASS.

NOV 2 11 22 AM '87
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LAND SURVEYORS OFFICE
WELLESLEY, MASS.

