



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 94-77

Petition of Glenn A. Healey and Marsha D. O'Neil
36 South River Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, November 17, 1994 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of GLENN A. HEALEY AND MARSHA D. O'NEIL requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow relocation of their nonconforming detached 18 foot by 23 foot garage to a site which would have less than the required front setback at their premises at 36 SOUTH RIVER STREET, in a Single Residence District.

On October 31, 1994, the petitioners filed a request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Glenn Healey, who said that they would like to relocate the garage for two reasons: first, the garage, in its present location, cuts off the view of the river; and second, the existing foundation of the garage is in disrepair.

Dr. Healey said that he had no intention of connecting the garage and the house because the purpose of the relocation was to landscape the area between the two structures, not to fill it in. He added that they had the full support of Mary Livingston, their right side abutter.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming detached garage is located at 36 South River Street, on a 13,000 square foot lot, in a Single Residence District. The existing 18 foot by 23 foot garage has a minimum front yard setback of 21.5 feet. The entire property is within the 100-year floodplain of the Charles River, which abuts the entire length of the rear lot line.

The petitioners are requesting a variance to relocate the existing garage on a new 18 foot by 23 foot foundation, which would also have a minimum front setback of 21.5 feet and a rear yard setback of 21 feet rather than the existing nonconforming setback of 14 feet.

A Plot Plan dated September 14, 1994, drawn by Paul J. Sawtelle, Registered Land Surveyor; and photographs of all elevations of the existing garage were submitted.

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TOWN OF FRANKLIN'S OFFICE
WELLESLEY, MASSACHUSETTS
NOV 22 1 15 PM '94

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36 South River Street

On May 12, 1994, the Wetlands Protection Committee voted to issue an Order of Conditions (DEP 324-197). On June 23, 1994, the Committee voted to approve the petitioners' amended plans to install a 4-foot frost wall foundation under the relocated garage.

On November 8, 1994, the Planning Board reviewed the petition and voted to offer no comment.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. Neither the existing detached garage nor the proposed location for the relocated detached garage conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that because of the shape of the lot and the existence of the Charles River abutting the length of the rear lot line, the relocation of the garage to higher ground on a site farther from the river, but no closer to the front lot line, would be beneficial; that a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners; and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance to relocate the existing garage is granted subject to conformance with the submitted plot plan, and with the Order of Conditions (DEP 324-197) issued by the Wetlands Protection Committee on May 12, 1994.

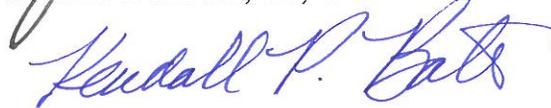
The Inspector of Buildings is hereby authorized to issue a permit for the foundation construction and garage relocation upon his receipt and approval of a building application and detailed construction plans, if he so deems necessary.

If the rights authorized by this variance are not exercised within one year of the date of grant of said 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.

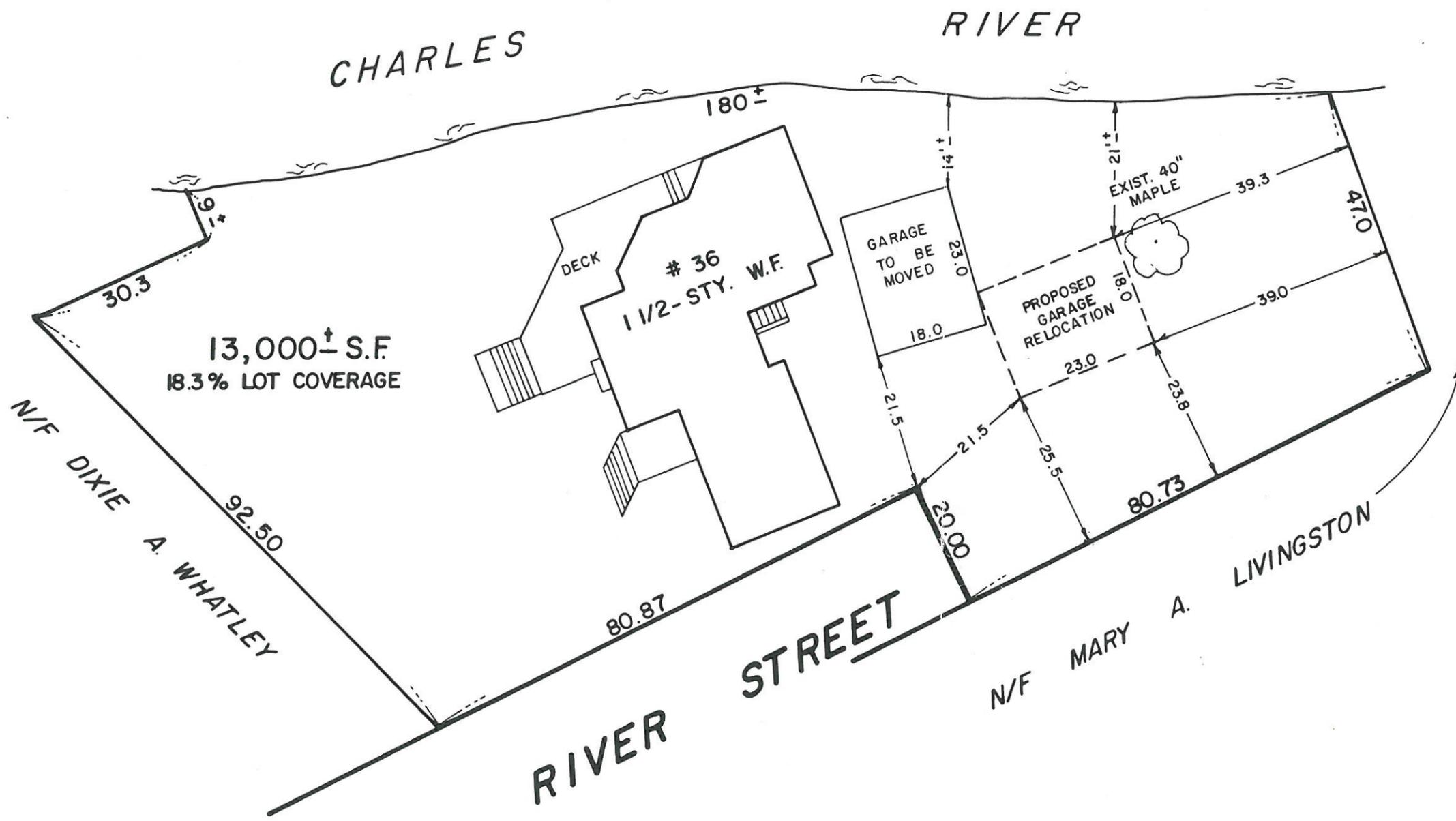
cc: Planning Board
Wetlands Protection Committee
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

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13,000± S.F.
18.3% LOT COVERAGE

OWNER:
GLENN A. HEALY &
MARSHA D. O'NEILL
36 RIVER STREET
WELLESLEY, MASS.

ASSESSORS REF:
MAP 178, ROUTE 005

BUILDING ZONE:
SINGLE RESIDENCE
15,000 S.F.

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TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
OCT 31 9 28 AM '94



Paul J. Sawtelle

PLAN OF LAND
IN
WELLESLEY, MASS.

SCALE: 1" = 20'
MASS BAY SURVEY, INC.

SEPT 14, 1994
NEWTON, MASS.
REVISED GARAGE OCT. 25, 1994