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ZONING BOARD OF APPEALS

KATHARINE E. TOY
 Administrative Secretary
 Telephone
 235-1664

Petition of Matthew N. and Jamie S. Rubin

Pursuant to due notice the Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:00 p.m. on August 16, 1979, on the petition of Matthew N. and Jamie S. Rubin, requesting a variance from the terms of Section XIX of the Zoning By-law which will allow them to construct a garage on the side of their dwelling at 20 Riverdale Road with a side yard less than the required twenty feet. Said request was made under the provisions of Section XXIV-D of the Zoning By-law.

On August 13, 1979, the petitioners filed their request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Matthew N. Rubin spoke in support of the request at the hearing.

Statement of Facts

The property involved is located within a Single Residence District requiring a minimum lot area of 10,000 square feet. The house was built in 1916, on a lot containing 11,392 square feet.

The petitioners seek a variance which will allow them to construct a one-car garage to be attached to the northerly side of the dwelling. The garage is to be 15'6" x 21'6", and if built, will be 20.7' from the side lot line at the rear corner and 18.72' from the same line at the front corner. The petitioners do not have a garage at this time and feel that there is a real need for one, especially during the winter months.

It was explained at the hearing that because of the shape of the lot and the topography of the land, which slopes up from approximately five feet to fifteen feet across the rear of the lot, a substantial financial hardship would result if the structure were to be located elsewhere on the property. Expensive excavation would be required and erosion prevention measures would be required in order to construct the proposed garage on the rear of the dwelling. The lot has a frontage of only 85.0' but it widens out to 106.0' across the rear. Because it narrows at the front, the front corner of the proposed garage would be in violation of the twenty-foot setback requirement of the Zoning By-law.

Decision

The Authority has made a careful study of the evidence submitted and has taken a view of the locus.

A plot plan was submitted, drawn by John P. Kirwin, Land Surveyor, dated July 10, 1979, which showed the existing house on the lot as well as the proposed garage.

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It is the opinion of the Authority that there is a real need for the proposed one-car garage as requested, and the location appears to be the most practical and feasible place for it to be constructed.

It is the further opinion of this Authority that because of the topography of the lot, which would require extensive excavation and excessive expensive to build a one-car garage elsewhere on the property, and the shape of the lot, that a literal enforcement of Section XIX of the Zoning By-law would involve substantial hardship to the petitioners; and desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law. It is also felt that the slight encroachment into the side yard will not prove detrimental to the neighborhood.

Accordingly, the requested variance is granted and the Building Inspector is authorized to issue a permit for the proposed one-car garage as shown on the plan submitted and on file with this Authority.

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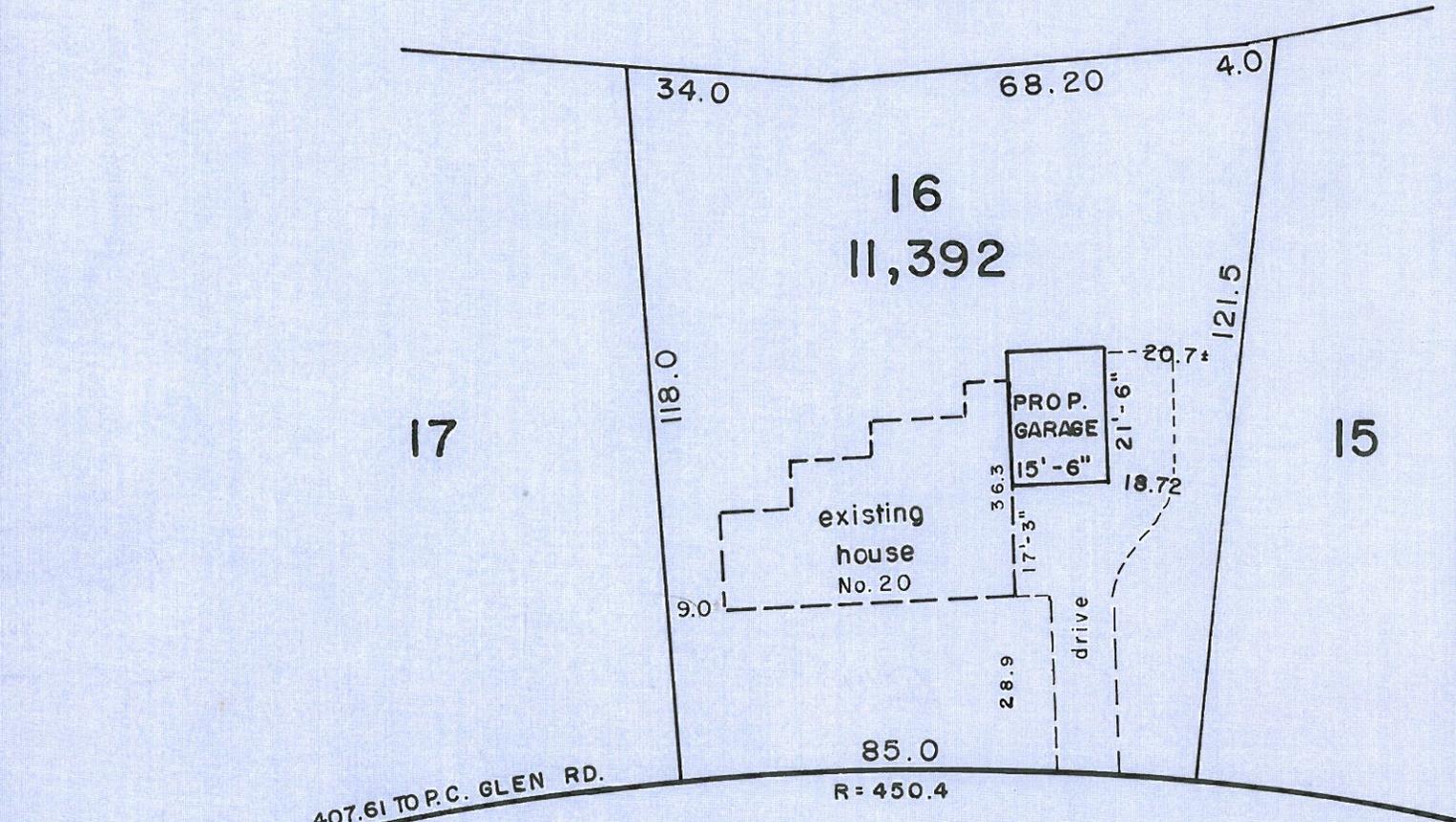
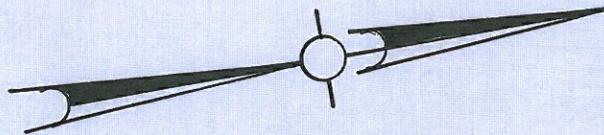
Francis L. Swift
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William O. Hewett
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William F. Cullinane
William F. Cullinane

Filed with Town Clerk _____

Copies of the decision and all plans referred to in the decision have been filed with the Planning Board and with the Town Clerk.



RIVERDALE ROAD



PLAN OF LAND WELLESLEY, MASS.

TO ACCOMPANY PETITION OF
MATTHEW N. & JAMIE S. RUBIN

Scale: 30 feet to an inch

JULY 10, 1979

SELWYN & KIRWIN ASSOC., Civil Engineers
14 LINDEN AVE. - BELMONT, MASS.