



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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JOHN A. DONOVAN, JR.
ROBERT R. CUNNINGHAM

MARY ANN McDOUGALL
Executive Secretary
Telephone
235-1664

WILLIAM E. POLLETTA
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84-37

Petition of Karin C. McMichael

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the Upper Town Hall Main Hearing Room on Thursday, August 9, 1984 at 8 p.m. on the petition of KARIN C. McMICHAEL requesting a variance from the terms of Section VA (Multi Family Residence District) and Section XIX (Yard Regulations) to allow the construction of a carport approximately 12 feet by 19 feet at 600A WASHINGTON STREET, leaving less than the required setback from the property line bordering Lot C (600 Washington Street) on the northwesterly side of the lot and less than the required setback from the rear property line on the southeasterly side of the lot. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

No one was present at the hearing to discuss the case, nor was anyone present favoring or opposing the request. Jane Kettendorf, 605 Washington Street, asked if cars would be visible from the street. The Zoning Board of Appeals delayed the case until the end of the hearing in case the petitioner arrived late. The petitioner did not arrive and the Board decided that enough information had been submitted to make a decision on the variance request.

Statement of Facts

The property in question is located at 600A Washington Street, containing 16,815 square feet of land, in a Multi Family Residence District (per Town Meeting vote of April 23, 1984). The property in question, 600A Washington Street, known as Lot B, was formerly owned by the estate of George McMichael as one lot together with Lot C. On July 26, 1983, Karin C. McMichael conveyed Lot C to Karim Khudairi according to a deed recorded at Norfolk County Registry of Deeds, the address of Lot C being 600 Washington St.

The petitioner is requesting a variance to allow a carport approximately 12 feet by 19 feet, 10 feet from the southeasterly sideline and 10 feet from the northwesterly sideline. Multi Family District requirements are 20 feet from any property boundary line.

A Plot Plan was presented, drawn by Robert H. Dunning, Registered Land Surveyor, dated April 25, 1984. Construction sketches were also presented.

The Planning Board, at a meeting on August 7, 1984, voted unanimously to recommend that the petition be denied.

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The following wrote letters opposing the request: Ned and Nancy Erne, 599 Washington Street; Nancy Hsiung, Joyce M. Dwyer, Andrea Fatell, Trustees of Washington Condominium Trust, 594 and 594A Washington Street.

Decision

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

Variances 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):

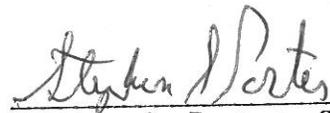
"1.

- 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,AND
- 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 substantial hardship does not exist in this case, and that the conditions present in this lot were created by the division of Lots B and C and as such constitute a self-created hardship.

Therefore, the request for a variance to construct a carport at 600A Washington Street pursuant to Section XIX, Section VA and Section XXIV-D is hereby denied and the 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.

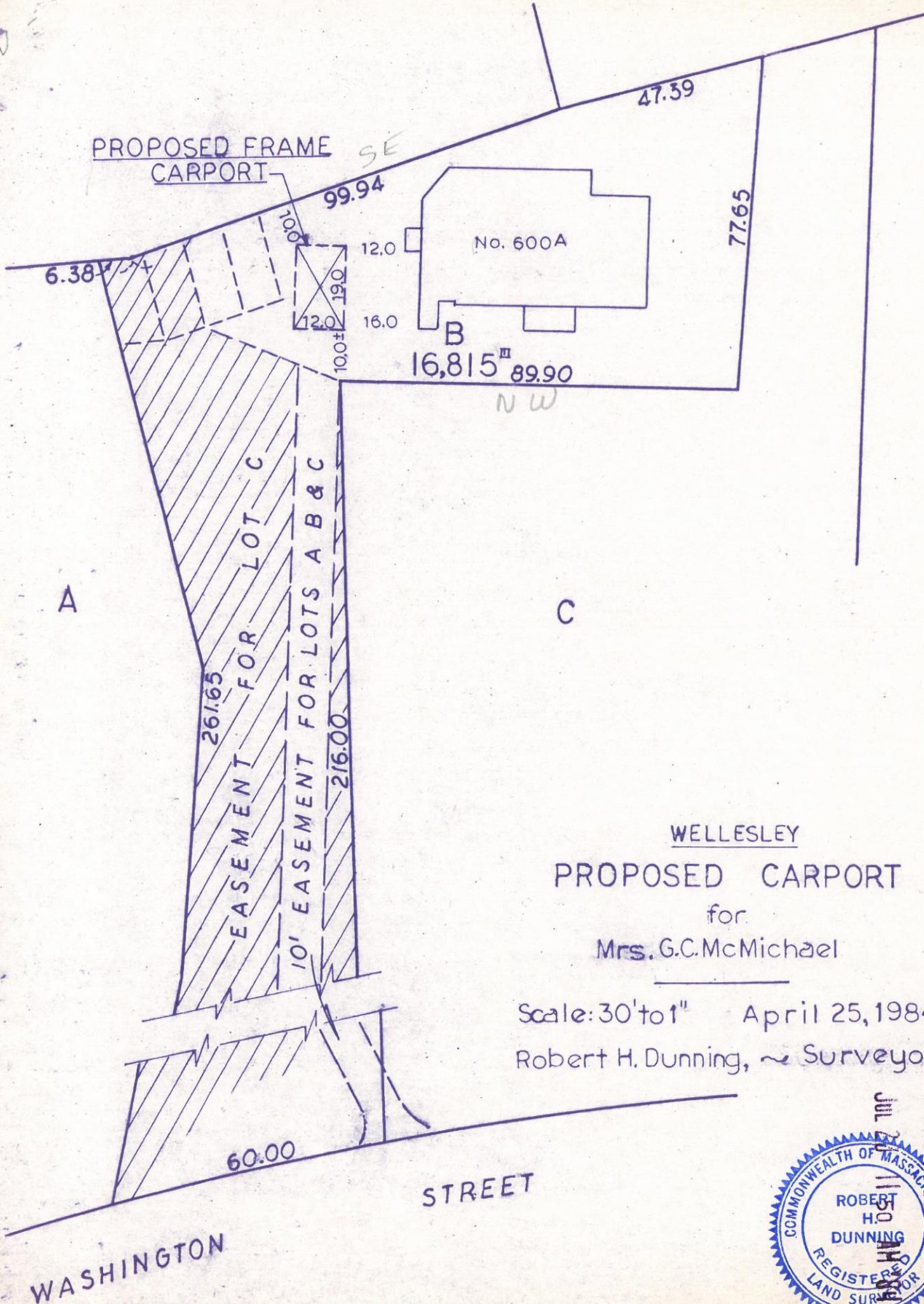

Stephen S. Porter, Chairman


William E. Polletta


Franklin P. Parker

mam

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WELLESLEY
 PROPOSED CARPORT
 for
 Mrs. G.C. McMichael

Scale: 30' to 1" April 25, 1984
 Robert H. Dunning, Surveyor

