



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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84-62

Petition of George W. Humann, Jr.
62 Leighton Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the Upper Town Hall Main Hearing Room on Thursday, November 1, 1984 at 8 p.m. on the petition of George W. Humann, Jr., requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a single story addition to the existing garage at 62 Leighton Road, said addition to be 6 feet by 20 feet, leaving less than the required setback from Leighton Road and less than the required left side yard. The existing dwelling and attached garage are non-conforming structures. Request is pursuant to Section XXIV-D of the Zoning Bylaw.

On October 12, 1984, the petitioner requested 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 George Humann who presented a letter of support signed by four neighbors and abutters. He stated that he did not realize until after he purchased the house that his car would not fit into the garage, nor did he realize that the existing structures were non-conforming. The proposed garage expansion would come no closer to the sideline than the existing structure, would come 28.81 feet from the street at one point but, because the street curves away from the structure, the setback would be 36.34 at the front corner of the garage. Mr. Humann stated that a stone retaining wall extends through the length of the garage.

No others were present favoring or opposing the petition.

Statement of Facts

The property in question is located at 62 Leighton Road, containing 7,670 square feet of land and, on the southeasterly side, abuts Town of Wellesley land near Fuller Brook.

The existing dwelling is a non-conforming structure, with a left side of 13.33 feet at the front corner of the attached one-car garage.

The proposed addition to the garage (which is presently 10 feet by 19.2 feet) would be approximately 6 feet by 20 feet and continue the existing lines of the garage, leaving a left side yard of 13.35 feet and a setback from Leighton Road of 28.81 feet at one corner and 36.34 feet at the other corner. Leighton Road curves away

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from the structure.

A Plot Plan was submitted, drawn by Jean Nysten, Registered Land Surveyor of Mortgage Survey Consultants, Inc., Andover, Ma. dated 9/6/84. Photos were also submitted.

The Planning Board, in a letter of October 26, 1984, opposed the granting of the variance.

The petitioner claims a hardship due to the location of the garage on the lot, the non-conforming nature of the property, and the existence of a stone retaining wall inside the garage which extends the length of the garage. He cannot fit his car into the garage.

A letter of support was submitted signed by Clifford Baden, 58 Leighton Road, Joan Nathanson, 55 Leighton Road, Elizabeth Fennel, 59 Leighton Road, Brian Haslett, 65 Leighton Road.

Decision

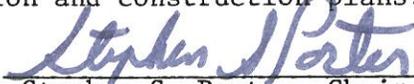
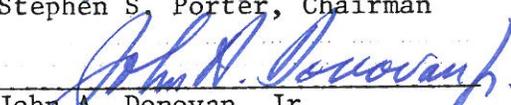
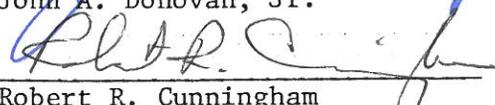
This Authority has made a careful study of the evidence presented. The particular house in question in its location on the lot does not conform to the present Zoning Bylaws. The attached garage comes to 13.33 feet from the left side line.

It is the opinion of this Authority that the proposed garage addition conforms to the present lines of the garage and does not alter the relationship of the house to the left side line. Regarding the setback from the street, Leighton Road curves away from the structure so that the setback from the street is 28.81 only at one corner of the garage, becoming 36.34 feet from the street at the southeasterly corner.

It is the unanimous decision of this Authority that, because of the shape of the lot and the location of the house on the lot and because of the configuration of Leighton Road, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further 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 to construct an addition approximately 6 feet by 20 feet to the garage at 62 Leighton Road, as shown on the Plot Plan drawn by Jean Nysten, dated 9/6/84, coming no closer than 28.81 feet from Leighton Road. 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.

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

John A. Donovan, Jr.

Robert R. Cunningham

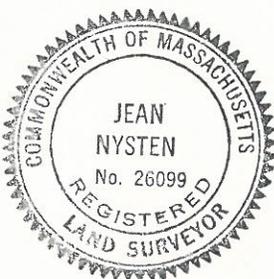
cc: Planning Board

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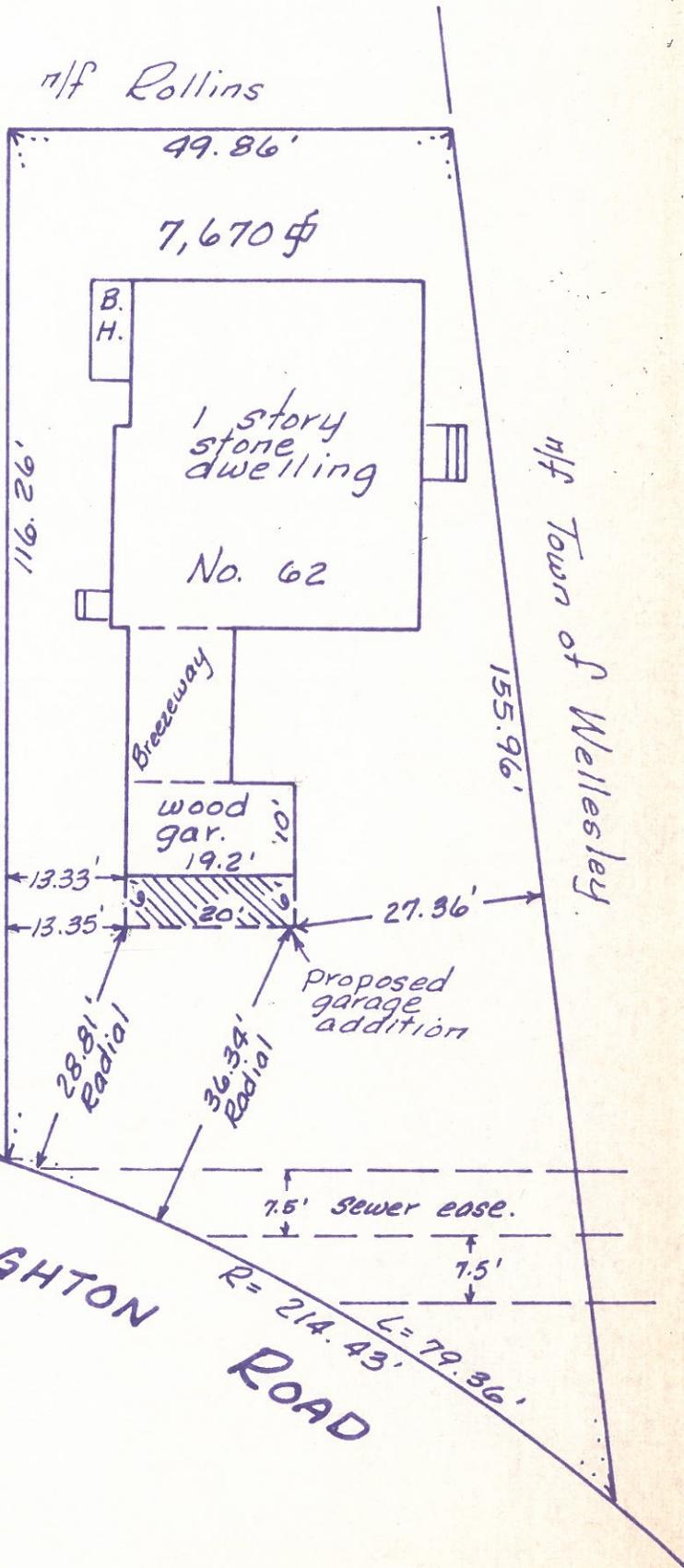
PLOT PLAN OF LAND
SHOWING
PROPOSED GARAGE ADDITION
IN
WELLESLEY, MASSACHUSETTS

SCALE 1"=20' DATE: 9-6-84

PREPARED FOR GEORGE W. HUMANN, JR.
MORTGAGE SURVEY CONSULTANTS, INC.
349 NORTH MAIN STREET
ANDOVER, MASSACHUSETTS 01810



Jean Nysten
REGISTERED LAND SURVEYOR



P.C. L = 69.92'

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