



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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84-69

Petition of Steven E. and Myrna M. Anderson
55 Carisbrooke Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the Upper Town Hall Main Hearing Room on Thursday, December 6, 1984 at 8 p.m. on the petition of STEVEN E. AND MYRNA M. ANDERSON requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of an addition to their dwelling at 55 CARISBROOKE ROAD including a bedroom, bath and one-car garage leaving less than the required left side yard. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On November 15, 1984, the petitioner requesting 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 Steven Anderson, who stated that the objective was to add a bath, master bedroom and one-car garage to their dwelling. He stated that an attempt to purchase property from his abutter had been without success. Myrna Anderson stated that the construction cannot be done in the rear of the dwelling because the property drops off sharply and that the area near the front of the home has septic lines. The lot is smaller than most in the neighborhood.

Other than the petitioners, no one was present favoring or opposing the petition.

Statement of Facts

The property in question is located at 55 Carisbrooke Road, containing 33,101 square feet of land, in a Single Residence District.

The proposed addition, containing a bedroom, bath, and one-car garage, would leave a left side yard of 18 feet. The petitioner claims a hardship due to the placement of the house at an angle to the property line, a sharp drop off in the rear, and a septic system near the front of the dwelling.

A Plot Plan was submitted, drawn by John J. Regan, Registered Land Surveyor of Apex Associates, Newton Highlands, dated 11/9/84. Construction drawings were submitted, drawn by Anne E. Webb-Johnson, 53 Cypress Road, Wellesley, dated November, 1984. Photos of the property were also submitted.

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The Planning Board, in a letter of November 30, 1984, recommended that the petition be denied...."based on the belief that there appears to be other alternatives available on this lot, which is of adequate size and regular shape, to construct the additional living space in conformity with the zoning requirements."

A letter in support of the request was received from Robert K. & Gretchen Morrison, 62 Carisbrooke Road.

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.

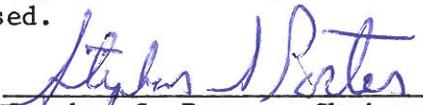
- a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to i) soil conditions, ii) shape, or iii) topography of such land or structures,AND
- b. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw."

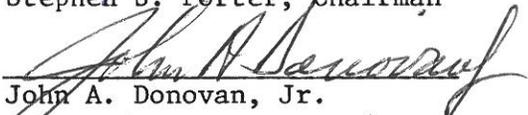
This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D, and is of the opinion that construction of additional space could be designed in conformance with the requirements of the Zoning Bylaw.

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


Stephen S. Porter, Chairman


John A. Donovan, Jr.


William E. Polletta

