



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
JOHN A. DONOVAN, JR.
ROBERT R. CUNNINGHAM

MARY ANN McDOUGALL
Executive Secretary
Telephone
235-1664

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

84-9

Petition of Finn and Deborah Brudevold

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the upper Town Hall main hearing room on Thursday, February 23, 1984 at 8 p.m. on the petition of Finn and Deborah Brudevold 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 35 Fairbanks Avenue at the corner of Walnut Street, including the removal of an existing garage and the addition of a family room and two-car garage approximately 40 feet by 23.6 feet, leaving less than the required setback from Fairbanks Avenue. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On February 2, 1984, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Finn Brudevold, who stated that he wishes to add a family room and garage to his dwelling. The existing house has a setback of 39 feet from Fairbanks Avenue, the closest to the street of three houses in a row on Fairbanks Avenue. The proposed addition would be 35.5 feet from Fairbanks Avenue at one point.

Theodore Waldron, 280 Walnut Street, expressed concern about the height of the roof of the proposed addition. Arthur Gulovsen, 39 Fairbanks Avenue, abutter, stated that he has no objection to the addition.

Statement of Facts

The property in question is located at 35 Fairbanks Avenue, at the corner of Walnut Street, containing 14,020 square feet of land, in a Single Residence District.

The existing dwelling has a setback of 39 feet from Fairbanks Avenue, the closest to the street of three houses in a row on Fairbanks Avenue. The dwelling at 39 Fairbanks Avenue has a setback of 47 feet, and 45 Fairbanks has a setback of 40 feet. Section XIX-B of the Zoning Bylaw requires that 39 feet be the minimum setback in this circumstance.

The petitioner is requesting a variance to allow the construction of an addition, including removal of an existing garage and the addition of a family room and two-car garage, leaving a setback of 35.5 feet from Fairbanks Avenue. He states that his hardship is due to the shape and topography of the lot.

RECEIVED OFFICE
TOWN OF WELLESLEY
MAR 23 1984

Petition of Finn and Deborah Brudevold

A previous variance on the property was granted on June 26, 1980 to allow a deck at the rear of the dwelling, no closer than 10 feet to the westerly lot line.

A Plot Plan was submitted, drawn by John J. Regan, Registered Land Surveyor, of Apex Associates, Newton Highlands, dated 1/5/84. Construction drawings were also submitted drawn by Elmer A. Onthank III, dated 1/5/84.

The Planning Board, at its regular meeting of 2/13/84, voted to offer no comment on the petition.

Decision

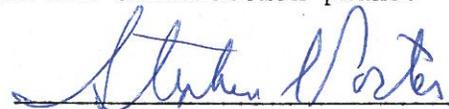
This Authority has made a careful study of the evidence presented. The particular house in question has a setback of 39 feet from Fairbanks Avenue. The proposed addition would come to 35.5 feet from Fairbanks Avenue at the closest point.

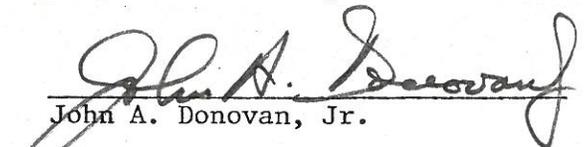
It is the opinion of this Authority that the proposed addition would represent a minimal encroachment to Fairbanks Avenue and would not alter the relationship of the house to the street.

It is the unanimous decision of this Authority that, because of the shape of the lot, 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 the addition of a two-car garage and a family room as shown on the Plot Plan drawn by John J. Regan, Registered Land Surveyor, of Apex Associates, Newton Highlands, dated 1/5/84, coming no closer than 35.5 feet to Fairbanks Avenue.

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.


Stephen S. Porter, Chairman


John A. Donovan, Jr.


William E. Polletta

RECEIVED
TOWN CLERK'S OFFICE
WILLETSLEY MASS.

MAR 13 9 22 AM '84

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.

FEB 3 9 37 AM '84

Theodore A. & Nancy C. Waldron

Arthur L. & Joan P. Gulovsen

WALNUT STREET

FAIRBANKS

AVENUE



John J. Regan

**PLAN OF LAND
IN
WELLESLEY MASS.**

TO ACCOMPANY THE PETITION OF
FINN & DEBORAH B. BRUDEVOLD
35 FAIRBANKS AVENUE
WELLESLEY

SCALE 1 IN = 40 FT
APEX ASSOCIATES
NEWTON HIGHLANDS

JAN. 5, 1984
LAND SURVEYORS
MASS.

