



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
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85-19

Petition of George and Susan Reigeluth
47 Croton Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, April 25, 1985 at 8 p.m. in Room 17 of the Town Offices at the Phillips Building, 12 Seaward Road, Wellesley Hills, on the petition of George and Susan Reigeluth requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a two-car detached garage approximately 18 feet by 18 feet at 47 Croton Street leaving less than the required right side yard. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On April 1, 1985, 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 Susan Reigeluth, who stated that they need a garage and have no other site on which to locate a garage. She referred to topographical features of the lot including a hill which drops off on the left side of the property, a cesspool in the rear, telephone and electric lines in the front yard, which interfere with building in those locations.

Opposed to the request were Anna and David Pomfret, 49 Pine Street, abutters, Edith Lambert, 39 Pine Street. Mr. Pomfret presented letters of opposition from Mr. and Mrs. Charles T. Bullock, 41 Croton Street and Constantine and Betty L. Simondes, 37 Croton Street.

Statement of Facts

The property in question is located at 47 Croton Street, containing 30,344 square feet of land, in a Single Residence District.

The petitioner proposes to construct a detached two-car garage approximately 18 feet by 18 feet leaving a right side yard of 3 feet. A hardship is claimed due to the topography of the lot, the location of the house on the lot, the existence of a cesspool and the curve of Croton Street.

A Plot Plan was presented, drawn by Carmelo Frazetti, Registered Land Surveyor, dated 1/18/85. Construction sketches and photos were also submitted, as was a letter from Carol Mankowich, realtor with Hunnemann & Co., Inc.

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The Planning Board, at its regular meeting of April 22, 1985, voted to recommend denial of the request.

Decision

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

Variations 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.

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

cc: Planning Board
mam

Stephen S. Porter
Stephen S. Porter, Chairman

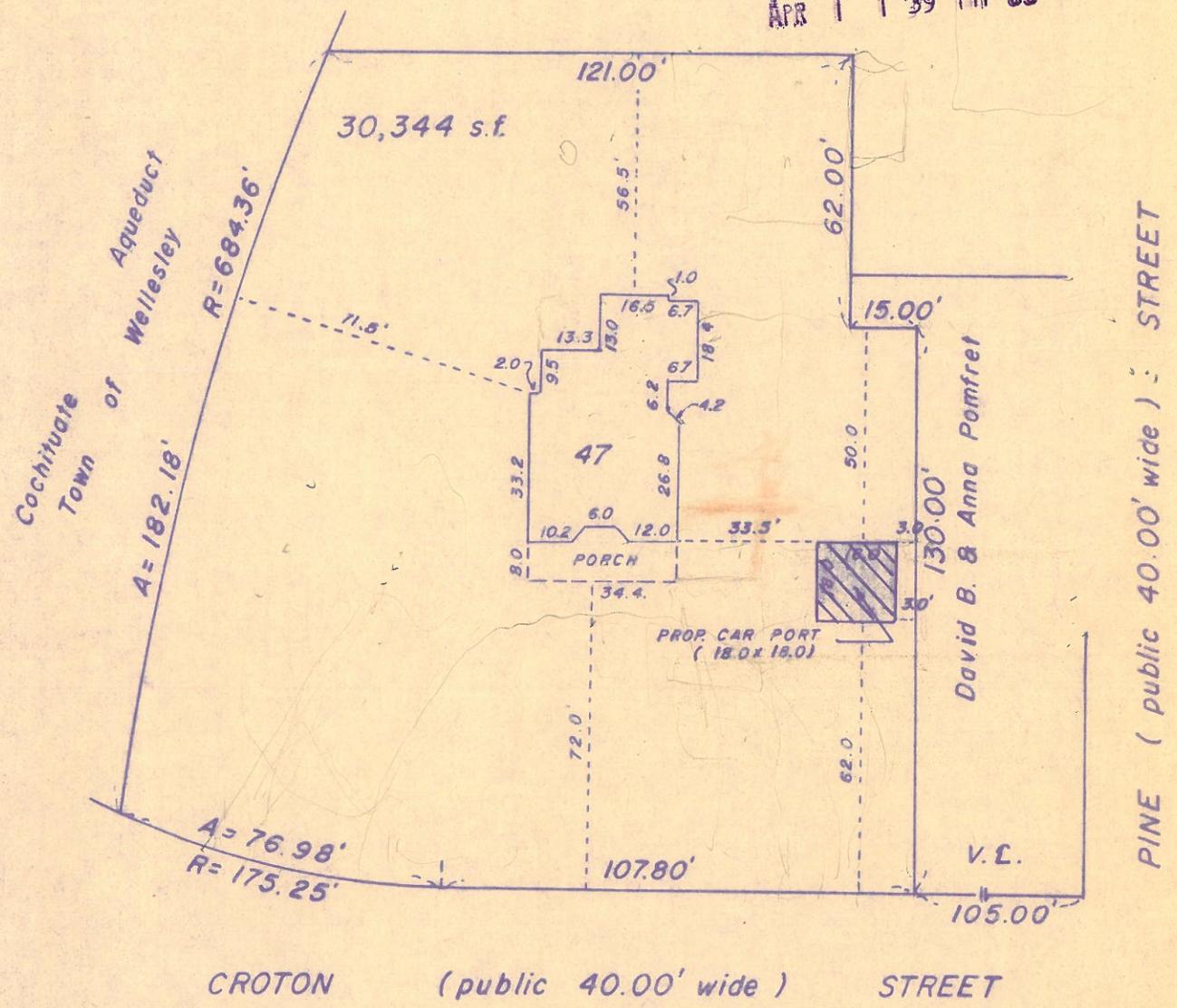
Robert R. Cunningham
Robert R. Cunningham

William E. Polletta
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 David B. & Anna Pomfret
 49 Pine Street

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PLAN OF LAND
 in
 WELLESLEY, MASSACHUSETTS
 at
 No. 47 CROTON STREET

Owned by
 George A. & Susan B. Reigeluth
 January 18, 1985
 Carmelo Frazetti



Proposed Car Port
 Scale: 1" = 40'
 Land Surveyor

Map 62