



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
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WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

85-28

Petition of John P. Larkin, Jr.
17 Tennyson Road

Pursuant to due notice, the Special Permit Granting Authority and the Permit Granting Authority held a Public Hearing on Thursday, May 23, 1985 and Thursday, June 20, 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 John P. Larkin, Jr. requesting a variance and/or a Special Permit from the terms of Section XVII and Section XIX of the Zoning Bylaws which will allow the existing legally non-conforming attached two-car garage at 17 Tennyson Road to be converted into permanent living space as a living room, leaving less than the required left side yard. Said request is pursuant to Section XXV and Section XXIV-D of the Zoning Bylaws.

On May 3, 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 May 23, 1985 Public Hearing was John Larkin, who stated he wants to convert his garage to a living room and add on a bedroom and bath at the rear of the house to accommodate his parents who are now living with them. The garage is non-conforming so the Building Inspector would not issue a building permit on it. The parents have one car, and also parked in the driveway are 2 pick-up trucks, a station wagon and a sedan. Mr. Larkin stated that the driveway will accommodate 6 to 8 cars, that he might build a garage in back of the house with a driveway entering from Washburn. Mr. Porter asked to see plans for the total project, and requested that Mr. Larkin present the same plans that would be required in order to obtain a building permit, including elevations (front, side, and rear), and interior floor plans showing all openings, and a new plot plan. Mr. Larkin was asked to confer with the Building Inspector as to what was required for a building permit. The plans were requested by June 14 and the case was continued until the June 20, 1985 Public Hearing.

Present at the May 23, 1985 Public Hearing were the following persons, all opposed to the petition: John and Mary Coyne, 21 Tennyson Road, Agnes Schoenfeld, 32 Tennyson Road, Martha and Allen Gibbs, 25 Tennyson Road, Thomas and Diane Griffiths, 26 Tennyson Road, Phyllis Mura, 22 Tennyson Road. Opposition focused on concerns that a second dwelling unit (apartment) is being created which could be rented, that the addition would affect the character of the neighborhood, concerns about the number of cars and trucks now parked on the property and on the street.

Mr. Larkin was not present at the June 20, 1985 Public Hearing. He failed to submit any further plans to the Board of Appeals. On June 20 a letter was delivered to the Board of Appeals office requesting withdrawal of the case without prejudice and stating that Mr. Larkin expects to re-file this fall. The letter was read at the

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hearing, The Board of Appeals did not feel that withdrawal could be accepted at that time, and voted unanimously to hear the case, to take the case under advisement and to render a decision in the near future.

Present at the hearing in opposition to the petition for a variance were Ruth and Henry Walters, 33 Tennyson Road.

Statement of Facts

The property in question is located at 17 Tennyson Road, containing 14,200 square feet of land, in a Single Residence District. The rear of the property borders on Washburn Avenue. The dwelling was constructed in 1937, has a left side yard of approximately 12 feet and a right side yard of approximately 13 feet.

The petitioner proposes to change the use of the existing non-conforming attached garage to create a living room and to add a bedroom and bath at the rear of the dwelling to accommodate his parents who are now living with them.

A Plot Plan was presented, drawn by Philip R. Brown, Registered Land Surveyor of MacCarthy & Sullivan Engineering Inc, Natick, Ma. dated May 8, 1978. Photos of the existing garage were also presented with sketches showing proposed exterior changes to the garage.

The Planning Board, at its regular meeting of May 14, 1985, voted to offer no objection to the request.

Letters in opposition to the request were received from the following: Thomas and Diane Griffiths, 26 Tennyson Road, Agnes H. Schoenfeld, 32 Tennyson Road, Ronald and Phyllis Mura, 22 Tennyson Road, Martha B. Gibbs, 25 Tennyson Road. Opposition focused on concerns that a second dwelling unit would be created to be used as a rental unit.

Decision

This Authority has made a careful study of the evidence presented. The petitioner proposes to convert a two-car non-conforming attached garage to a living room as part of a project that would include an addition at the rear of the dwelling to include a bedroom, bath, and possibly a garage.

The petitioner has failed to produce sufficient information to this Board with the variance request. As was stated to the petitioner at the May 23 Public Hearing and in a subsequent letter to the petitioner, plans for the entire project, including garage alterations and the addition to the rear of the dwelling, must be presented to this Authority. Mr. Larkin failed to present any further plans.

The request for withdrawal without prejudice, dated June 20, 1985, cannot be accepted by this Board. The petitioner has failed to respond to this Board's requests for

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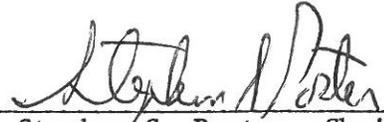
Petition of John P. Larkin, Jr.
17 Tennyson Road

the proper information and has failed to state that he does not wish to convert his garage to living space.

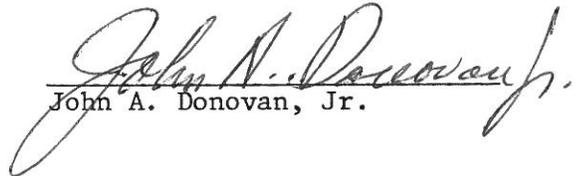
Therefore, the variance requested for 17 Tennyson Road is hereby denied due to lack of a complete application, and the case is dismissed.

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

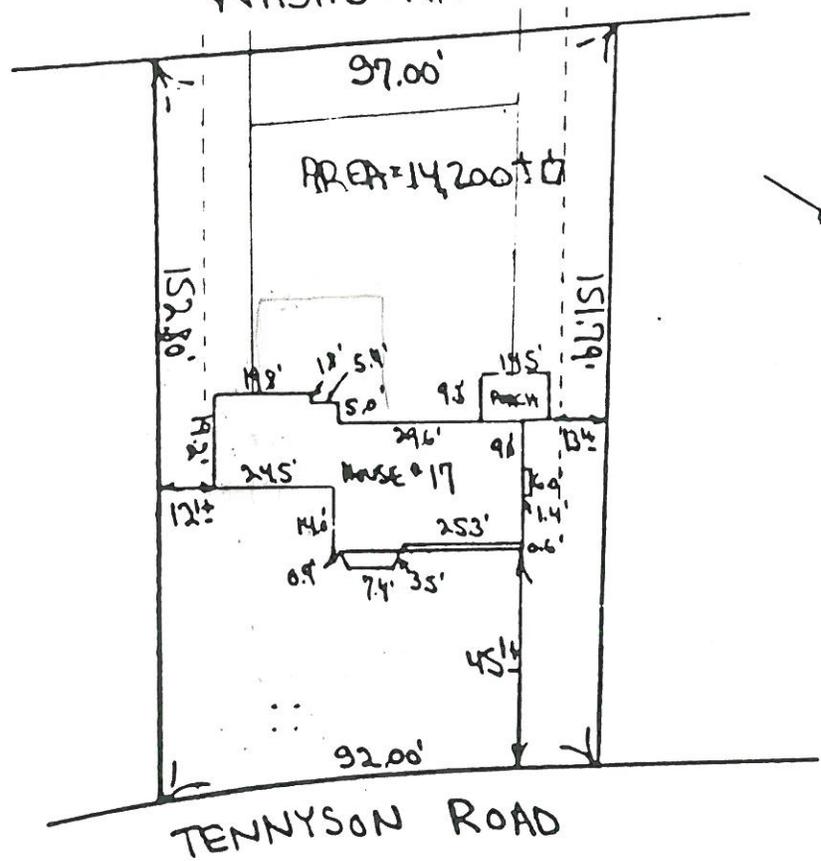

Stephen S. Porter, Chairman


Robert R. Cunningham


John A. Donovan, Jr.

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WASHBURN AVENUE



MASS. LAND SURVEYORS OFFICE
 25 STATE ST. BOSTON, MASS.
 MAY 3 11 45 AM '85



House built 1937

I CERTIFY THAT THE BUILDINGS ON THIS PROPERTY ARE LOCATED AS SHOWN ABOVE AND COMPLIED WITH THE ZONING LAWS OF THE TOWN OF WELLESLEY WHEN CONSTRUCTED AND IS NOT LOCATED IN A FEDERALLY DESIGNATED FLOOD ZONE.

Philip R. Brown 5-8-78
 REGISTERED LAND SURVEYOR DATE

THIS PLOT PLAN WAS NOT MADE FROM AN INSTRUMENT SURVEY AND IS FOR THE USE OF THE BANK ONLY, UNDER NO CIRCUMSTANCES ARE OFFSETS TO BE USED FOR ESTABLISHING PROPERTY LINES OR FOR CONSTRUCTING FENCES, ETC.

PLOT PLAN OF LAND
 IN
WELLESLEY MASS.
 SCALE: 1"=40' MAY 8, 1978
 PLAN BY: MAC CARTHY & SULLIVAN
 ENGINEERING INC.
 61 SPEEN ST., NATICK, MASS.