



## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

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WELLESLEY, MA 02181  
JUN 11 9 30 AM '97  
SUMNER H. BABCOCK  
ROBERT A. BASTILE

ZBA 97-36

Petition of Bruce A. Johnson and Aydan J. Orgat  
40 Bancroft Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 22, 1997 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of BRUCE A. JOHNSON AND AYDAN J. ORGAT requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of a one-story, two-car 26 foot by 21.83 foot garage with an open deck on the roof of the proposed garage, having a minimum front setback of 30.13 feet at their nonconforming dwelling, with less than the required left side yard setback, at 40 BANCROFT ROAD, in a Single Residence District, as within a distance of 500 feet, the closest front setback is 32.15 feet at 34 BANCROFT ROAD.

On May 5, 1997, the petitioners filed a request for 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 Bruce Johnson, who was accompanied by his wife, Aydan Orgat, and his architect, Joseph Fournier. Mr. Johnson said that his property is unique as it sits high on a hillside. The only place to install a garage is in the front of the house. It will be set into the hillside with access to the house through the basement. The garage will be set back from the street more than 30 feet, but the closest house on the street is about 32 feet from the street. If the garage were pulled back to 32 feet, it would have a depth of only 19 feet, which would be inadequate. The neighbors are in support of the request.

The Board noted that the street line is curved, which diminishes the impact.

No other person present had any comment on the petition.

### Statement of Facts

The subject property is located at 40 Bancroft Road, on a 14,985 square foot lot, and has a minimum left side yard setback of 19.47 feet. The petitioners are requesting a variance to construct a one-story, two-car 26 foot by 21.83 foot garage, which will have a minimum front setback of 30.13 feet, as within a distance of 500 feet, the closest front setback is 32.15 feet at 34 Bancroft Road.

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A Plot Plan dated 11/27/96, revised 12/5/96, revised 12/12/96, revised 4/7/97, drawn by Robert Edward Bissonnette, Registered Professional Land Surveyor; a Plan of Land Showing Aurbtting Dwelling Setbacks dated 4/7/97, drawn by Robert Edward Bissonnette, Registered Professional Land Surveyor; Garage Plans, Elevations & Details (A-1) dated 10/10/96, revised 4/7/96; Existing Conditions, First Floor Plan & Elevations (EX-2) dated 6/4/96; Exterior Conditions, Basement Plan & Elevations dated 6/4/96; and photographs were submitted. Plans A-1, EX-1 and EX-2 were drawn by JFF Design Consultant.

On May 20, 1997, the Planning Board reviewed the petition and voted to recommend approval of the request.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw, nor will the proposed garage addition as noted in the foregoing Statement of Facts

It is the opinion of this Authority that because of the topography of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners, and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted, as voted unanimously by this Authority at the Public Hearing, to construct a one-story, two-car 26 foot by 21.83 foot garage with an open deck of the same dimensions on the roof of said garage, subject to construction in accordance with the submitted plot plan and construction drawings.

The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and detailed construction plans.

If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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  
edg Inspector of Buildings

  
John A. Donovan, Jr., Chairman

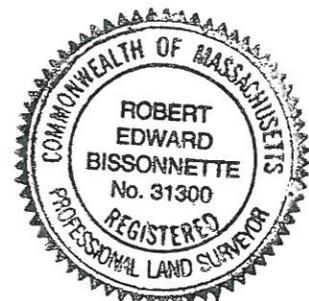
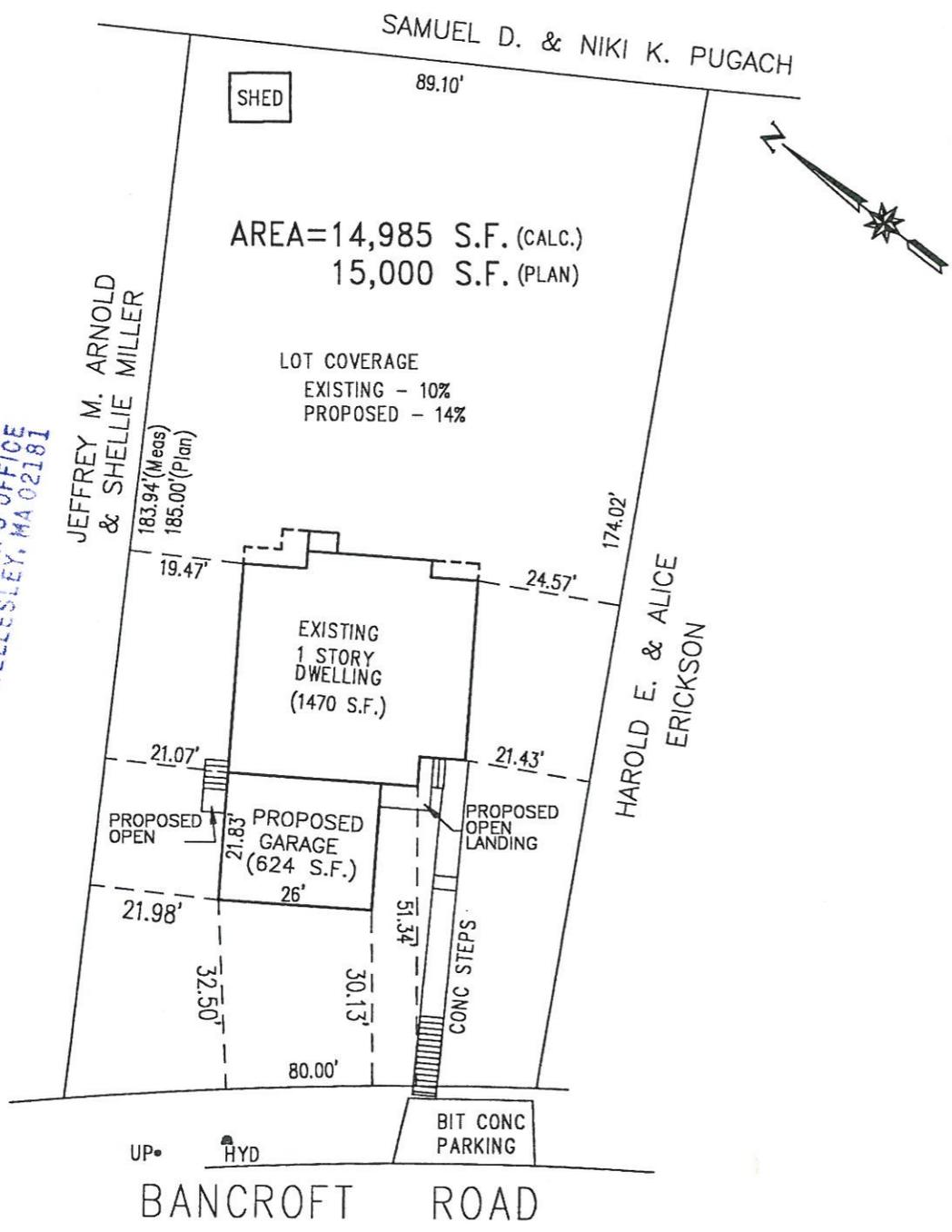
  
Kendall P. Bates

  
William E. Polletta

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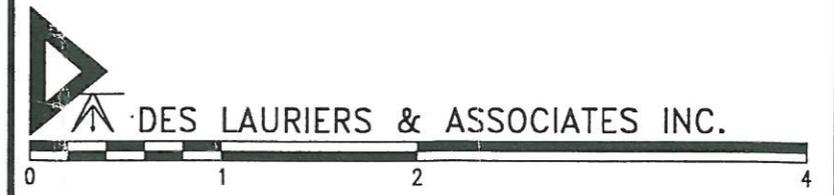


*Robert E. Bissonnette*  
PROFESSIONAL LAND SURVEYOR

SITE PLAN OF LAND  
IN  
**WELLESLEY**  
MASSACHUSETTS

SCALE: 1"=30'      NOVEMBER 27, 1996  
PREPARED FOR: BRUCE JOHNSON      REV.: 12/12/96  
40 BANCROFT ROAD      REV.: 12/05/96  
WELLESLEY, MA. 02181      REV.: 04/07/97

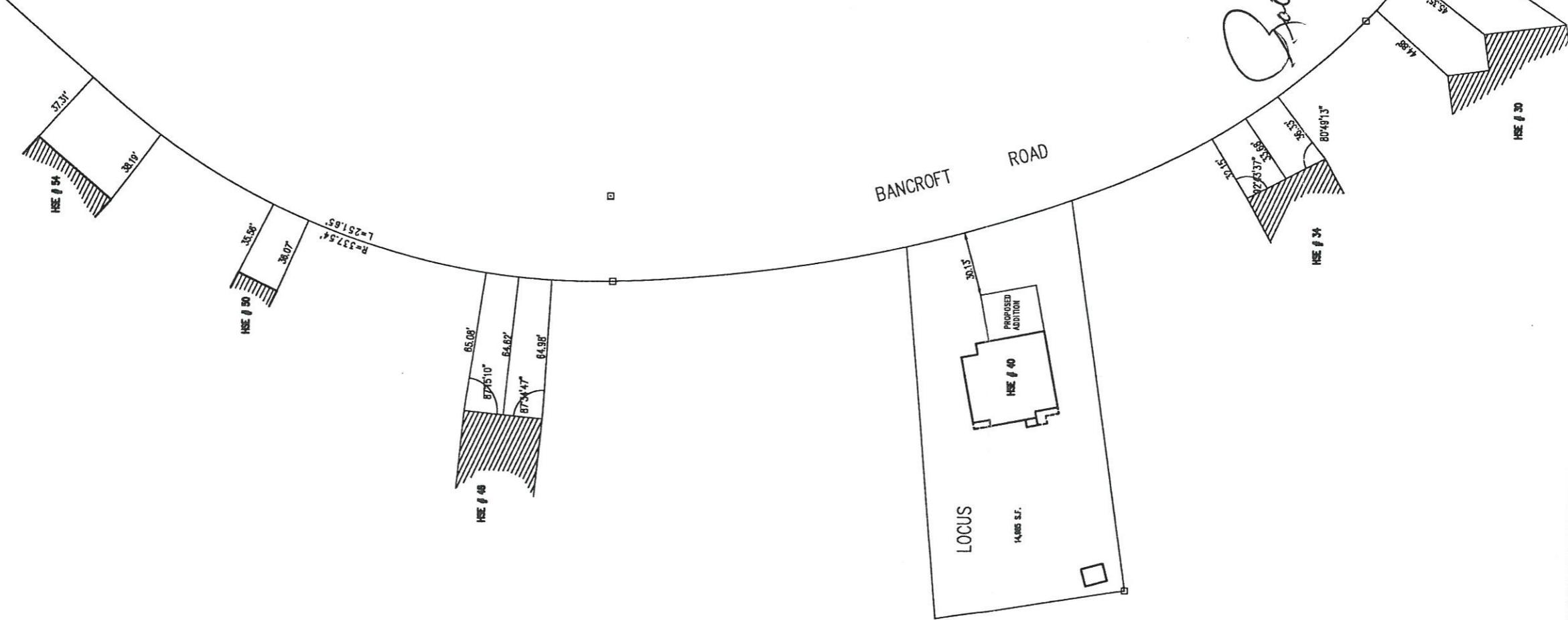
JOB NUMBER: 96151      ACAD FILE: 96151BP



DES LAURIERS & ASSOCIATES INC.  
130 WEST STREET  
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PROFESSIONAL LAND SURVEYORS

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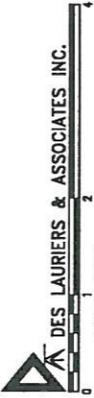


SHOWING ABUTTING DWELLING SETBACKS

WELLESLEY  
MASSACHUSETTS

SCALE: 1"=60' 04/07/97  
PREPARED FOR: BRUCE JOHNSON  
40 BANCROFT ROAD  
WELLESLEY, MA. 02181

JOB NUMBER: 96151 ACAD FILE: 96151BP



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