

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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2000 JUN 28 A 8:18

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ZBA 2000-50  
Petition of George and Cynthia Smithy  
38 Greenwood Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, June 15, 2000 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of GEORGE AND CYNTHIA SMITHY 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 8 foot by 22.8 foot garage expansion with less than the required left side yard setback, at 38 GREENWOOD ROAD, in a Single Residence District.

On May 30, 2000, 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 Cynthia Smithy, who said they would like permission to build a conventional two-car garage. The house is currently 12 feet from the left side line. They are requesting a variance because they have an enormous amount of ledge which completely surrounds the house and has prohibited them from moving the garage to another location. There is exposed ledge in the basement. They were recently able to upgrade from 60 amps to 100 amps, but cannot bury the cable underground.

They also have an elevation problem. Because the garage sits so close to the house, there are 7 steps leading from the garage to the house, so the garage wall cannot be moved closer to the house without losing the ability to access both the house and the basement. Although the lot contains 42,000 square feet, the house is located in the far left corner of the property. The petition has support from all the neighbors.

The Board asked what prevented construction of the garage at the rear of the lot, as the lot fronts on Sawyer Road as well. Mrs. Smithy said there is quite a drop in elevation from where the house is sited to Sawyer Road. There is also ledge between the rear of the house and Sawyer Road. The left side abutter is lower than the Smithy house, so the garage expansion will not be visible to the abutter.

The Board asked if there would be a foundation beneath the expansion. Mrs. Smithy said there would be a slab, not a full foundation.

The Board stated that the soil conditions were severe enough to grant a variance, with the conditions that a second story above the garage shall never be constructed; that the structure be used only for garage space and not living space; and that no plumbing ever be installed in the garage.

No other person present had any comment on the petition.

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Statement of Facts

The subject property is located at 38 Greenwood Road, in a Single Residence District, on a 42,922 square foot lot, and has a minimum left side yard clearance of 12.9 feet.

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The petitioners are requesting a variance to construct a one-story 8 foot by 22.8 foot garage expansion with a minimum left side yard clearance of 9 feet.

A Plot Plan dated May 4, 2000, drawn by Joyce E. Hastings, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 4/18/00, drawn by Archdesign, Inc.; and photographs were submitted.

On June 6, 2000, the Planning Board reviewed the petition and recommended denial 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, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that due to the topography and the soil conditions peculiar to 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 to construct a one-story 8 foot by 22.8 foot garage expansion in accordance with the submitted plot plan and construction drawings, subject to the following conditions:

1. The two-car garage shall never be used as living space.
2. No second story shall ever be added to the garage.
3. No plumbing shall ever be installed in the garage.

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

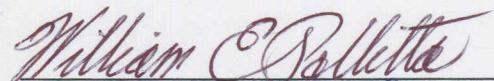
If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

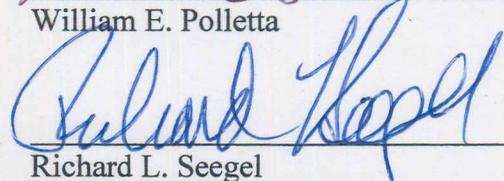
Cc: Planning Board  
Inspector of Buildings



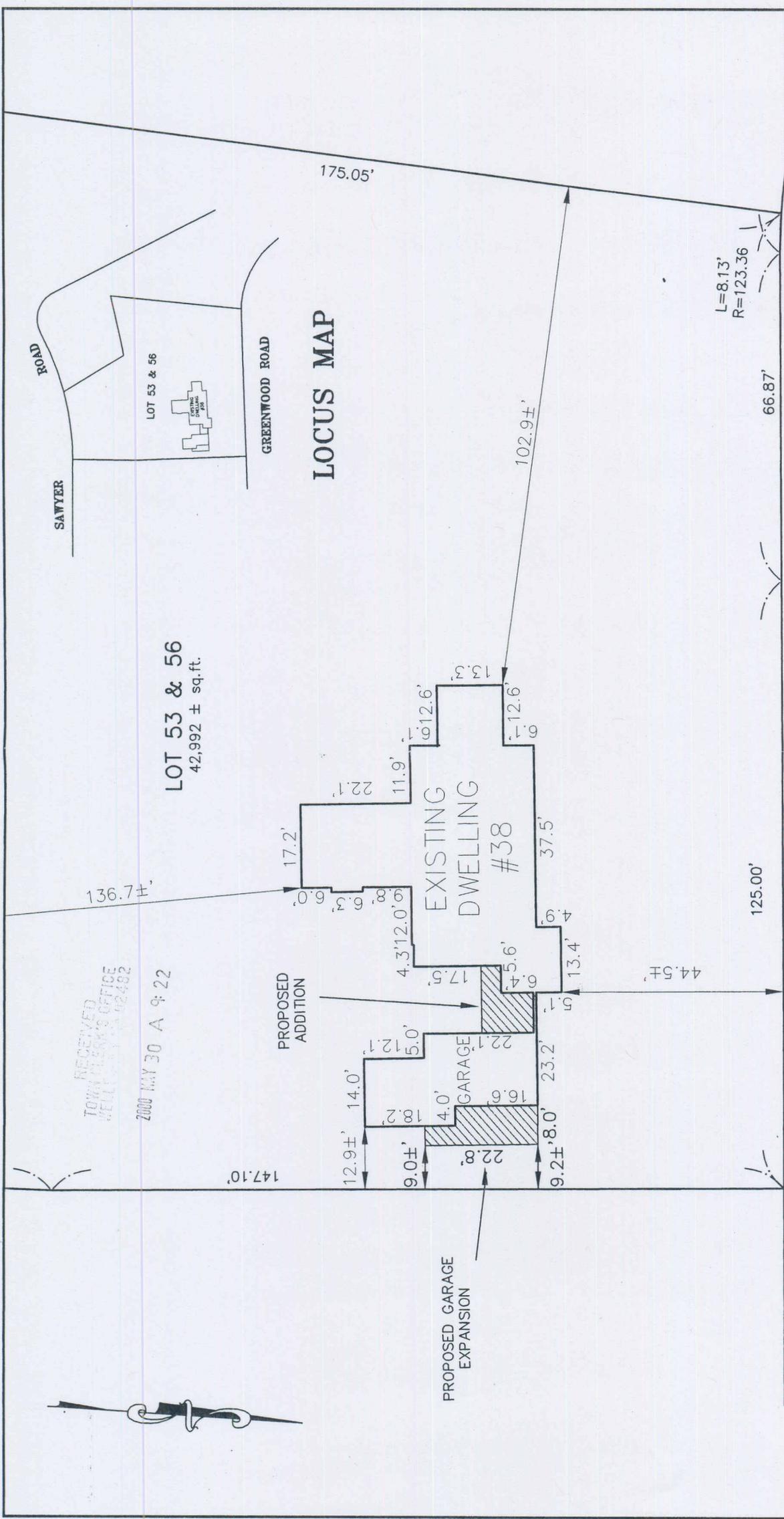
Kendall P. Bates, Chairman



William E. Polletta



Richard L. Seegel



PLOT PLAN OF LAND IN WELLESLEY, MASS.

SCALE: 1" = 20' MAY 4, 2000

GLM ENGINEERING CONSULTANTS INC.  
1750 WASHINGTON STREET  
HOLLISTON, MASS. 01903

JOB # 10756 CNG

# GREENWOOD ROAD

PERCENT COVERAGE:  
EXISTING 2.9%  
PROPOSED 3.6%

PROPERTY OWNERS:  
GEORGE B. SMITHY, Jr.  
AND  
CYNTHIA H. SMITHY

I CERTIFY THAT THE BUILDINGS ON THIS PROPERTY ARE LOCATED AS SHOWN ABOVE.



MAY 4, 2000  
DATE

PROFESSIONAL LAND SURVEYOR