

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2010-09
Petition of Geraldine Jarvis
26 Harris Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 7, 2010, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of GERALDINE JARVIS requesting renewal of a Special Permit pursuant to the provisions of Section II A 8 (h) and Section XXV of the Zoning Bylaw to allow her to use a portion of her premises at 26 HARRIS AVENUE, in a Single Residence District, for the purpose of a home occupation, namely, Doggie Day Care for 1 to 10 dogs from 7:00 a.m. to 7:00 p.m. on Mondays through Sundays. All parking is on the premises.

On December 21, 2009 the Petitioner 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 Geraldine Jarvis (the "Petitioner"), who said that she wanted to renew her Special Permit for Doggie Daycare.

The Board said that it received a number of letters of support for the request.

Ms. Jarvis asked about increasing the number of dogs allowed up to 15. She said that the number of people coming to the house would not increase. She asked if she could try that for three months.

The Board said that this is a home occupation in a Single Family Residential District.

Ms. Jarvis said that she is not planning to grow her business. She said that if she brings a dog playgroup to the house, the number of dogs can exceed 10, which happens more frequently lately.

Ms. Jarvis said that the dogs are familiar with her house. She said that there is a nice mixture of dogs. She said that it is not like a kennel. She said that she has playgroups for the dogs. She said that there is no barking and there is no increase in traffic. She said that she and her dog walker pick up the dogs.

Ms. Jarvis said that she discussed increasing the number of dogs with her neighbors.

The Board confirmed that Ms. Jarvis has two distinct groups of dogs at the residence, one of which is there for daycare and the other is there for playgroup.

Ms. Jarvis said that her elderly mother and aunt live with her. She said that emergency situations occur more frequently. The Board said that the Special Permit needs to cover the normal number of dogs as well as accommodate emergency situations.

The Board said that it would grant the Special Permit for six months with a limit of 15 dogs. The Board said that a condition will be added that all dog waste shall be properly disposed of.

Marie Taylor, 2 Jackson Road, said that she is a satisfied customer of Ms. Jarvis. She said that her dogs have been at Ms. Jarvis' for two years. She said that her dogs enjoy Ms. Jarvis' daycare.

Statement of Facts

The subject property is located at 26 Harris Avenue, in a Single Residence District.

The Petitioner is requesting renewal of a Special Permit to allow her to continue to use a portion of her premises for a home occupation, namely Doggie Day Care, for 1 to 10 dogs from 7:00 a.m. to 7:00 p.m. on Mondays through Sundays.

On January 5, 21010, the Planning Board reviewed the petition and recommended that the petition be approved.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. A home occupation is not a by-right use in a Single Residence District.

It is the opinion of this Authority that the requested use of her premises by Geraldine Jarvis for the home occupation of Doggie Day Care is in compliance with the requirements of Section II A 8 (h) of the Zoning Bylaw, and will neither disturb nor disrupt the customary character of the neighborhood.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the petitioner to use a portion of her premises at 26 Harris Avenue for a home occupation, subject to the following conditions:

1. There shall be no more than 15 dogs on the premises at any one time.
2. The hours of the home occupation shall be limited to 7:00 a.m. to 7:00 p.m. on Mondays through Sundays throughout the year.
3. All vehicles related to the home occupation shall be parked in the driveway of the premises, and no vehicle related to the home occupation shall be parked on Harris Avenue or on any adjacent street.
4. There shall be no overnight boarding of any nonresident dog.
5. All dog waste shall be properly disposed of.
6. This Special Permit shall expire six months from the date time stamped on this decision.

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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.

Richard L. Seegel, Chairman

J. Randolph Becker

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm