



ZONING BOARD OF APPEALS

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

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ZBA 2013-77
Petition of John & Zully Driado-Hedreen
50 Curve Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 7, 2013, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of JOHN & ZULLY CRIADO-HEDREEN requesting a Variance pursuant to the provisions of Section XIVE, Section XIX and Section XXIV-D of the Zoning Bylaw for construction of a 5 foot by 22.3 foot extension to an existing carport with less than required side yard and front yard setbacks, on a corner lot in a Water Supply Protection District, in a 10,000 square foot Single Residence District, at 50 CURVE STREET.

On October 21, 2013, 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 John and Zully Criado-Hedreen, (the "Petitioner").

Mr. Hedreen said that the request is to enlarge existing carports that do not cover the whole car. He said that snow gets on the rear third of the cars.

Mr. Hedreen said that, in order to extend the carports, they will have to extend into the front yard setback area. He said that the extended carports will not be as close as the neighboring house is to the street.

Mr. Hedreen said that enlarging the existing conforming carport will also create a nonconforming side yard setback at 14.7 feet. He said that the existing house is 14.1 feet from the side lot line.

The Board said that the topography and shape of the lot are tough. The Board if there are other places on the property where they could put a complying garage or carport. Mr. Hedreen said that there is a valley on the side of the house. He said that they could fill that in. He said that it would be very expensive to do that.

The Board said that the current homeowners do have a need for the relief, that there is a uniqueness to the lot, and that the proposed extension would not derogate from the intent of the bylaw. The Board said that at the time that the two carports were built, they were built legally.

The Board said that this is an accessory use.

There was no one present at the Public Hearing who wished to speak to the petition.

NOV 21 P 3:01
 TOWN CLERK'S OFFICE
 WELLESLEY MA 02482

Statement of Facts

The subject property is located at 50 Curve Street, on a corner lot in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a 14.7 foot side yard setback.

The Petitioner is requesting a Variance pursuant to the provisions of Section XIVE, Section XIX and Section XXIV-D of the Zoning Bylaw for construction of a 5 foot by 22.3 foot extension to an existing carport with less than required side yard and front yard setbacks, on a corner lot in a Water Supply Protection District.

A Plot Plan dated 8/19/13, stamped by Dennis B. O'Brien, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 8/20/13, prepared by TLH Consulting, and photographs were submitted.

On October 31, 2013, the Planning Department Staff reviewed the petition and recommended that the Variance be denied.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise to the Petitioner, owing to circumstances relating to the shape and topography, as it dips down on its southerly side so that no useful place exists for putting a garage or carport, especially affecting this lot but not generally affecting the zoning district in which it is located, and the hardship is not self created. The Board found that desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested Variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is granted to allow for construction of a 5 foot by 22.3 foot extension to an existing carport with less than required side yard and front yard setbacks, subject to the condition:

- There shall be no other substantial changes to the carport structure.

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

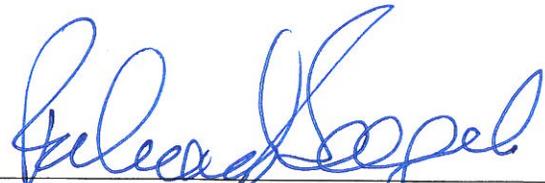
If the rights authorized by this Variance are not exercised within one year of the date time-stamped on this decision, they shall lapse and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

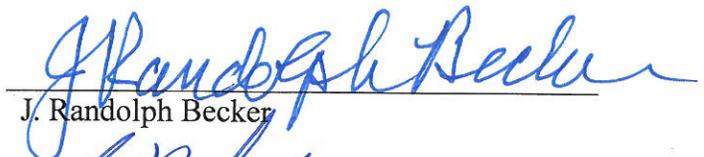
2013 NOV 21 10:01 AM
PLANNING DEPARTMENT
CITY OF BOSTON

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50 Curve Street

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TOWN'S OFFICE
WILLESTON MA 02482

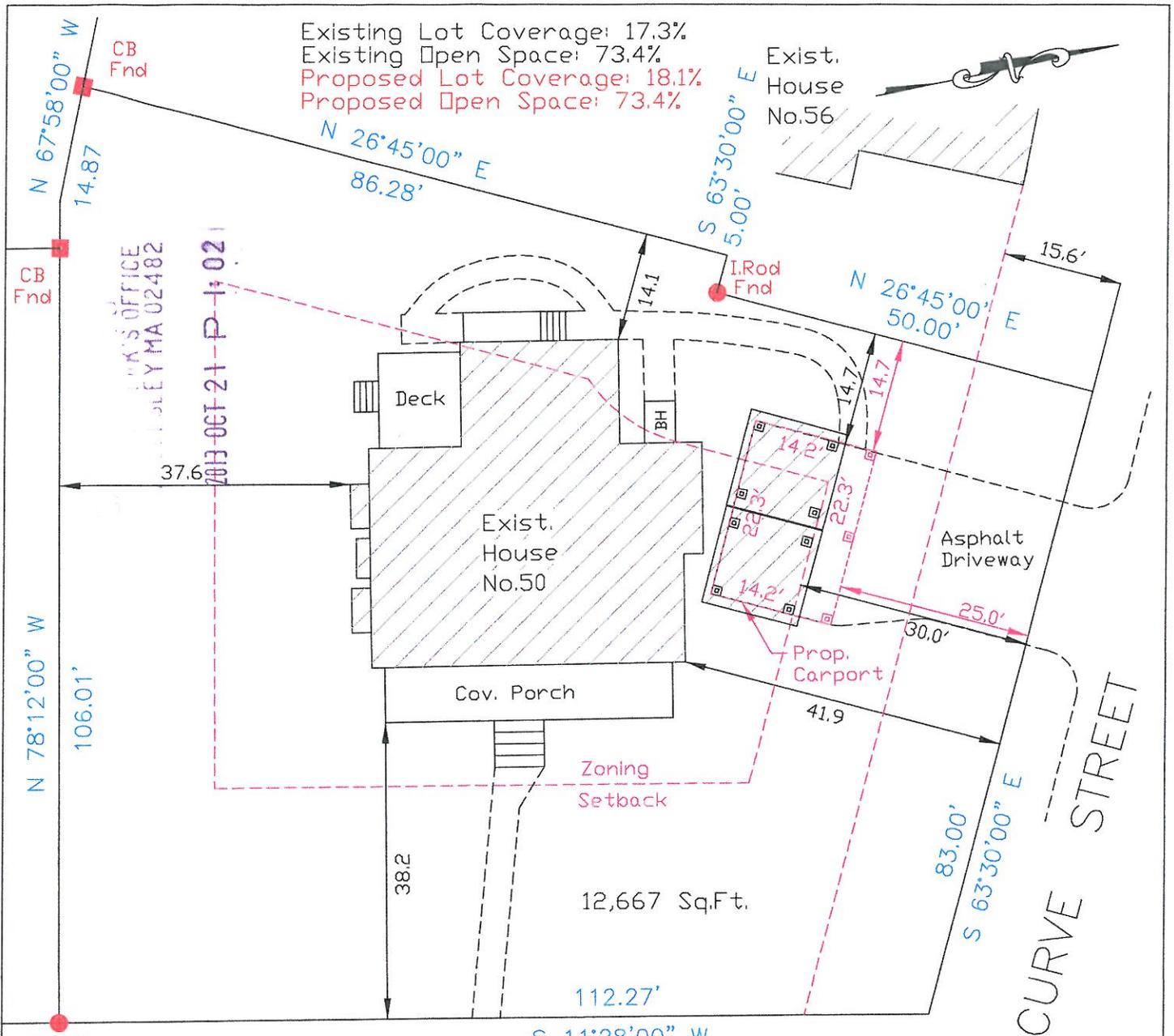
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


Richard L. Seegel, Chairman


J. Randolph Becker


Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm



CURVE STREET

PLAN SHOWING PROPOSED CARPORT
 IN
 WELLESLEY, MASS.

Norfolk County

Scale: 1" = 20'

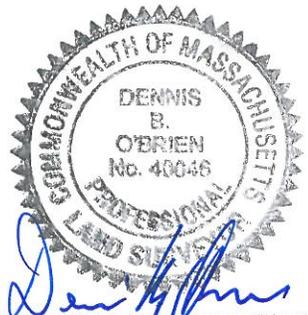
August 19, 2013

Dennis O'Brien P.L.S.

31 Hayward St., Ste G-3

Franklin, Mass. 02038

{ 508 } 541 - 0048



Dennis O'Brien P.L.S.

