



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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DEC 11 10 55 AM '81

81-63

Petition of Joseph A. and Linda M. Senecal

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Wednesday, November 18, 1981, at 8 p.m. on the Petition of Joseph A. and Linda Senecal, of 5 Paine Street, who are aggrieved by their inability to obtain a building permit to extend the use of their living quarters to their two-car attached garage. Said garage is a legal non-conforming structure with a left side yard of less than the required twenty feet. Said request is made under the provisions of Section XXIV-C-1 of the Zoning Bylaw.

On November 2, 1981, the petitioners filed for a hearing before this Board and thereafter due notice was given of the hearing by mailing and publication.

Present at the hearing and speaking on behalf of the request was Joseph Senecal, who stated he had lived in the house since 1976. His family now needs more living space and wishes to convert their attached two-car garage to living space and to raise the roof of the garage to make rooms on the second story. The existing garage foundation would not be changed, is presently twelve feet from the left side lot line. Off street parking in the existing driveway will be available, with no change from the present parking of the petitioners.

Present and speaking in favor of the request: Paul Horst and Jean Fiske Horst, 21 Paine Street, George Moore, 31 Forest Street, William Digiacomantonio, 15 Paine Street, Paul Nahass, 6 Paine Street. Mr. Pat Esposito, an abutter of the Senecals, read a letter and presented it to the Board from Ann Corazza and Mary Esposito, co-owners of the property at 9 and 11 Paine Street, in favor of the request. A letter was also presented signed by George Moore and Mary McGrath, 31 Forest Street, in favor.

Statement of Facts

The property involved is located at 5 Paine Street, in a Single Residence District, said lot containing 10,000 square feet of land. The house was built in 1940, with the two-car garage coming to 12' from the left side lot line, said dwelling being a legal non-conforming structure according to the present Zoning Bylaw.

The petitioner wishes to change the use of the garage to living space and to raise the roof to accommodate a second story over the present garage.

A Plot Plan was submitted, dated September 2, 1981, drawn by Richard Arthur Whalen, Registered Land Surveyor, of Richard Whalen Associates, Natick, Ma. Construction plans were submitted, showing the existing and proposed exterior views from the front, back, and side.

The Planning Board, in a letter dated November 18, 1981, stated: "The Planning Board notes a discrepancy between the plot plan submitted and the Town Plan Sheet 75. The discrepancy between the two plans is significant in reviewing this request. If the Plot Plan is accurate, the existing sideyard is 12 feet. If the Town Plan is accurate, the existing sideyard is approximately two feet. The Planning Board has no objection to the petitioner's request if the Plot Plan showing a 12 foot sideyard is accurate. The Planning Board would object to the variance being granted if the sideyard is only two feet."

The Town Plan, Sheet 75, shows the property to contain a ten foot strip of land running from front to rear at the left side, which would leave a two foot side yard. However, a copy of the Deed on record, dated March 26, 1976, shows the ten foot strip as part of the Senecals lot.

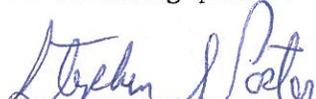
Decision

This Authority has made a careful study of the evidence submitted and at least one member has viewed the locus. The particular house in question is a legal non conforming structure. The existing two-car attached garage is twelve feet from the left side line.

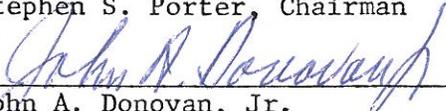
This Authority is of the opinion that two issues are involved in the petitioners request. One involves the change of use of the garage. It is the opinion of this Authority that the conversion of the garage to living space does not constitute a major change of use and conforms with the meaning of the Zoning Bylaw.

The second issue involves the addition of a second story over the existing garage, said addition being twelve feet from the left side lot line; this would require a variance from Section XIX of the Zoning Bylaw. It is the opinion of this Authority that the requested second story addition would not be any closer to the side lot line than the existing dwelling is now; because of the shape of the lot and the house's placement on it, a literal enforcement of the provisions of the Zoning Bylaw would involve a substantial hardship to the petitioner; desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

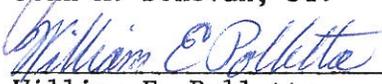
Accordingly, the requested change of use is granted, and a Variance is granted, and the Inspector of Buildings is authorized to issue a permit for the construction, subject to this receipt of an application and approval of building plans.



Stephen S. Porter, Chairman



John A. Donovan, Jr.



William E. Polletta

DEC 11 10 56 AM '81
RECEIVED
TOWN CLERK'S OFFICE
WELLISLEYS MASS.

J.N.

(27)

J. ELLIOT

FOREST ST.

(11)

N/F CORAZZA

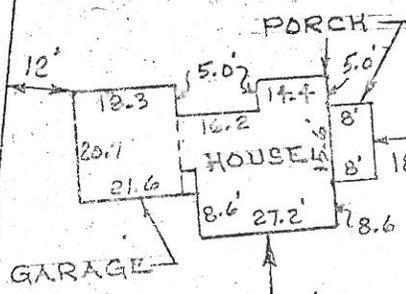
78.97

(5)

10,000 SF.

51'

117.85



109.65

(31)

P. ESPOSITO

97.84

PAINE STREET

NOV 2 11 23 AM '81
RECEIVED OFFICE
TOWN CLERK'S MASS.
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I HEREBY CERTIFY THAT THE BUILDING ON THIS PROPERTY IS LOCATED AS SHOWN ON THE ABOVE PLAN.

PLAN OF LAND IN WELLESLEY MASS.

OWNED BY JOSEPH A. AND LINDA SENECA

SCALE 1"=40' DATE 9/2/81

RICHARD WHALEN ASSOC.

NATICK, MASS.



Richard A. Whalen

Richard A. Whalen