



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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82-22

Petition of Hapet A. and Stephanie Berberian

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8 p.m. on Thursday, July 15, 1982, on the petition of HAPET A. AND STEPHANIE BERBERIAN, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow construction of a two-story addition approximately 24' by 32' to their dwelling at 49 ARLINGTON ROAD, said addition to be connected to their existing unattached one-car garage, leaving less than the required twenty foot left side yard. The request is being made pursuant to Section XXIV-D of the Zoning Bylaws.

On June 28, 1982, the petitioner 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 were Hapet Berberian and Howard L. Millard, Architect for the proposal. Mr. Millard explained the petition, stating the need for an additional room. He stated that the location of the two-car garage is requested on the left side of the house because the present kitchen is on that side. The property is unique, he stated, because the garage has existed in that location, 9.8' from the property line on the left side, for a number of years. The addition would add value to the property and there was no objection from the neighbors, Mr. Berberian stated.

No one else was present either favoring or opposing the petition.

Statement of Facts

The property involved is located at 49 Arlington Road, in a Single Residence District, containing 19,888 square feet of land. The dwelling and unattached one car garage were constructed in 1924, prior to the enactment of the Zoning Bylaws. The garage extends to 9.8' from the left side lot line.

The petitioner proposes a two-story addition which would extend to 9.8' from the left side lot line. The existing one-car garage would be removed to accommodate the proposed addition, 24' by 32', which would include a two-car garage on the first floor and a bedroom and bath on the second floor.

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A Plot Plan was submitted, drawn by H. L. Millard, Registered Land Surveyor, of Pilling Engineering Co., Inc., 26 Norfolk Street, Dedham, Ma., dated May 27, 1982. Construction drawings by Howard L. Millard were also submitted.

The Planning Board, in a letter dated July 7, 1982, stated the following: "The Planning Board is opposed to the granting of this variance request which would allow a two story addition to be constructed within 10 feet of the side lot line. The Board believes it is contrary to the intent of the amendments to the side yard regulations which were recently adopted by the Town Meeting in 1981 and 1982 to allow an addition of this bulk so close to the lot line."

Decision

This Authority has made a careful study of the evidence submitted.

The proposed addition would extend to 9.8' from the side lot line. Although the existing one car unattached garage is a legal non-conforming structure, this Authority notes that its existence and location are not relevant to the proposed request, particularly because it would have to be removed to allow the proposed construction.

No evidence has been submitted to this Authority which substantiates any condition of land dealing with soil conditions, shape or topography of such land.

Variances may only be granted by the Permit Granting Authority once they have found any or all of the following (Section XXIV-D 1. as quoted from the Zoning Bylaw):

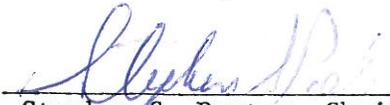
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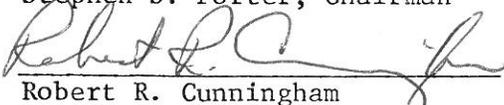
- a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to: i) soil conditions, ii) shape, or iii) topography of such land or structures,
 AND
- b. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw."

This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D.

Therefore, it is the unanimous opinion of this Authority that this request for a variance be denied, and this petition is dismissed.

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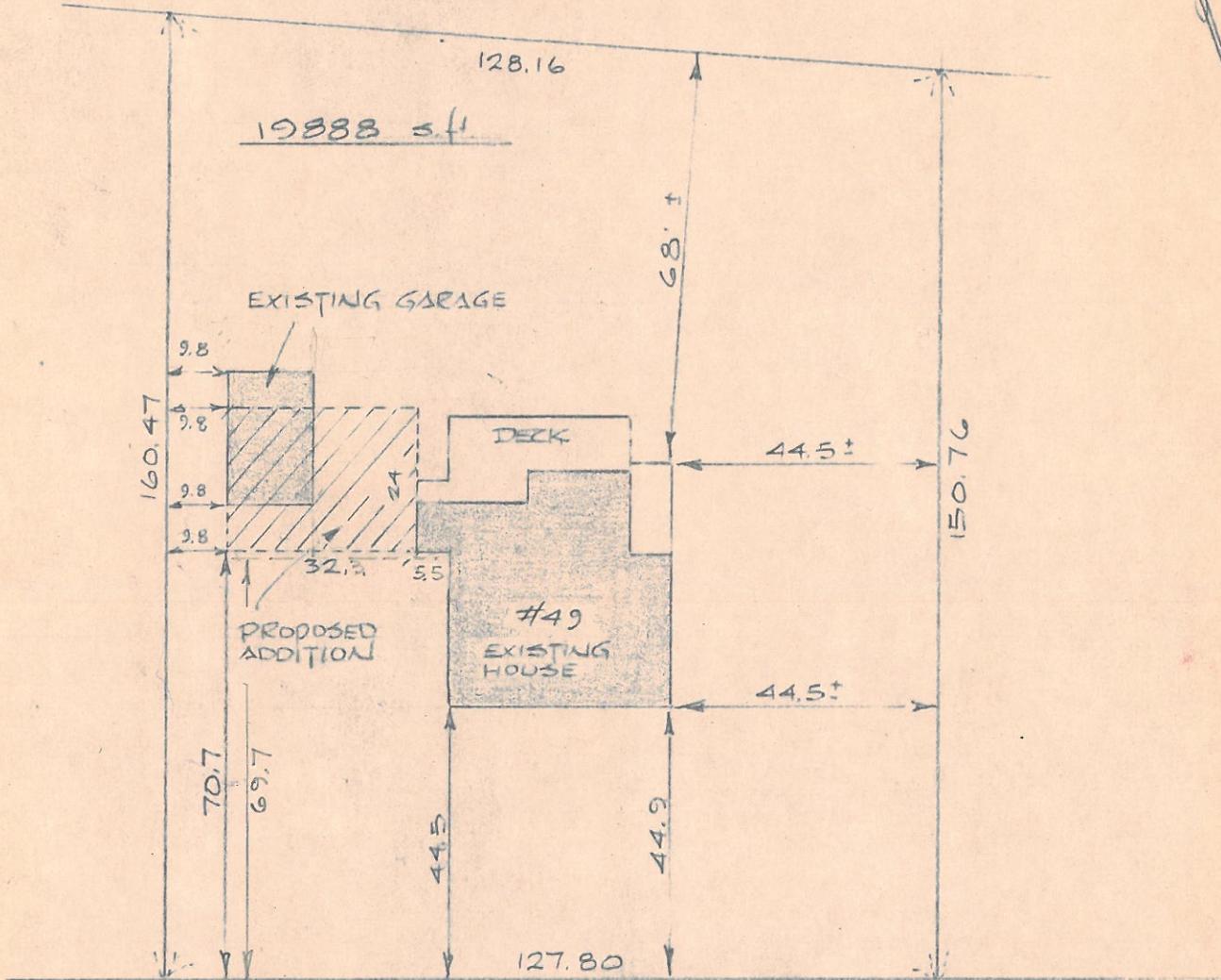
 Stephen S. Porter, Chairman


 Robert R. Cunningham


 William E. Polletta

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1924

ARLINGTON ST

THIS PLAN BASED ON A PLAN
BY CARMELO FRAZZETTI DTD OCT. 23, 1979.



LAND IN WELLESLEY, MASS.		JOB NO.
PILLING ENGINEERING CO., INC. CONSULTING ENGINEERS 26 NORFOLK ST., DEDHAM, MASS.		DATE MAY 27, 1982
		SCALE 1" = 30'
		ROLL NO.
		OF