

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman  
JOHN A. DONOVAN, JR.  
ROBERT R. CUNNINGHAM

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Executive Secretary  
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235-1664

WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCK

83-44

Petition of Harwood and Joan Rowles

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, August 11, 1983, on the petition of Harwood and Joan Rowles, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the enlargement of an existing detached one-car garage to a two-car garage approximately 22 feet by 24 feet, at 35 Colburn Road, leaving less than the required left side yard and rearyard. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On July 22, 1983, the petitioner filed a request for a hearing before this Board, and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Harwood Rowles, who stated that he requested a variance because of the limited size of the backyard. The proposed garage would not encroach any further than the existing garage.

Present in support of the request was Dorothy Wensink, 31 Colburn Road, and Mary Sullivan, 81 Garden Road.

Statement of Facts

The property involved is located at 35 Colburn Road, containing approximately 12,500 square feet of land, in a Single Residence District.

A dwelling exists on the property and a detached garage, 12.2 feet by 18.2 feet, is located at the rear of the lot, coming to 11.47 feet from the left side lot line and 10.59 feet from the rear lot line. The property to the rear is Town Conservation land.

The petitioner proposes to enlarge the existing garage to create a two-car garage 24 feet by 22 feet. The rearyard and sideyard encroachment would not be increased. A variance is requested due to the limited size of the backyard.

A Plot Plan was submitted, drawn by Alexander Crucoli, Registered Land Surveyor, Acres Engineering Inc., Chelsea, Ma., dated July 12, 1983. Construction drawings were also submitted.

The Planning Board, in a letter dated July 28, 1983, stated that it has no objection to the request based on the fact that there is no further encroachment into the sideyard.

Decision

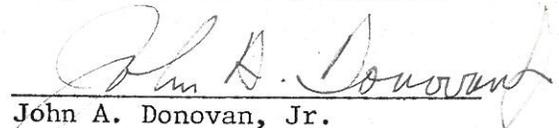
This Authority has made a careful study of the evidence presented. The particular garage in question in its location on the lot does not conform to the present Zoning Bylaws. The garage comes to 11.47 feet from the left side lot line and 10.59 feet from the rear lot line. The present requirements are for a 20 foot sideyard and a 20 foot rearyard.

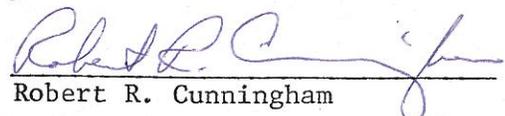
The proposed garage does not increase the encroachment on the sideyard or rearyard. The shape of the backyard and location of the house are limiting factors in the placement of a garage.

It is the unanimous opinion of this Authority that because of the shape of the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority 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 enlarge the existing one-car garage to a two-car garage approximately 22 feet by 24 feet, leaving a rearyard of 10.59 feet and a sideyard of 11.47 feet. The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

  
Stephen S. Porter, Chairman

  
John A. Donovan, Jr.

  
Robert R. Cunningham

mam

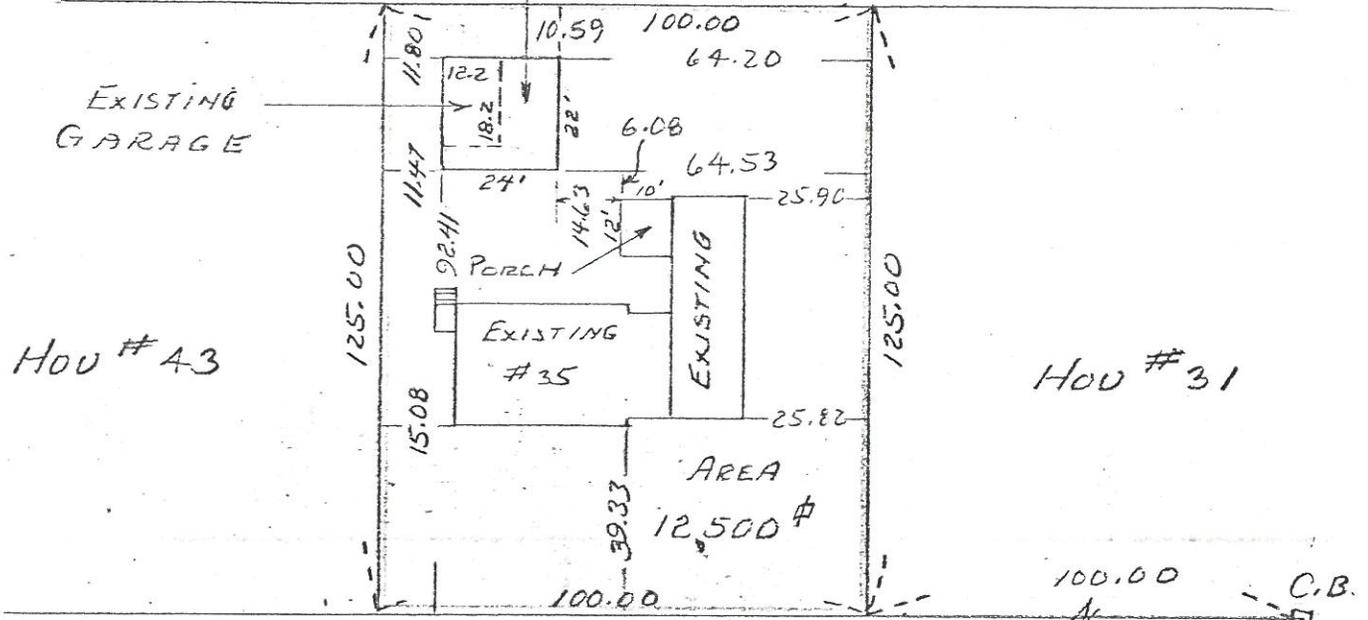
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PLAN OF LAND  
 IN  
 WELLESLEY — MASS  
 Scale: 1"=40' JULY 12, 1983.

SURVEYOR Alexander Crucoli  
 ACRES-ENG'RS, SURV'RS, INC.  
 57 Winthrop Rd.  
 Chelsea, Mass.

PENN CENTRAL R.R.

PROPOSED GARAGE



HOV # 43

HOV # 31

COLBURN (40) RD

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Alexander Crucoli