



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 87-14

Petition of Robert Ferguson, M.D.  
54 Fuller Brook Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, February 5, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B), Town Hall, 525 Washington Street, Wellesley on the petition of ROBERT FERGUSON, M.D. requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow the construction of an addition to his non-conforming dwelling at 54 FULLER BROOK ROAD to include expansion of the attached garage by approximately 5 feet by 19.2 feet and a storage shed approximately 6 feet by 12 feet at the rear of the garage, leaving less than the required left (easterly) side yard.

On January 16, 1987 the petitioner requested 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 Dr. Ferguson, who stated he needs a two-car garage to allow him and his wife to park cars inside. He is called to the hospital for emergencies and wants to depend on the car being accessible and under cover. The total size of the garage would be 15 feet. A storage shed is also requested at the rear of the garage. He stated that side line requirements were 15 feet when the house was built.

No others were present expressing favor or opposition to the request.

Statement of Facts

The property in question is located at 54 Fuller Brook Road, containing 13,690 square feet of land. A house exists on the lot which was constructed in 1939.

The petitioner proposes to widen his one-car garage to create a two-car garage, an addition of approximately 19.2 by 5 feet, with a workshed at the rear (approximately 12 feet by 6 feet). A variance is requested to allow a left(easterly) side yard of 15.91 feet at the front corner and 18.29 feet at the rear corner of the proposed addition.

A Plot Plan was presented, drawn by George N. Giunta, Registered Land Surveyor, of Needham, Ma. dated January 10, 1986. Construction sketches and photos were also submitted.

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The Planning Board voted on January 27, 1987 to "oppose the granting of the variance requests on the basis that the proposed addition constitutes a substantial new encroachment on an otherwise conforming sideyard where it appears the prerequisite variance conditions are not satisfied."

Decision

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

It is the opinion of this Authority that the proposed addition to the garage can be allowed. When the house was constructed in 1939, fifteen foot side lines were allowed. A two-car garage could have been constructed on this lot. The Zoning Bylaw now requires a twenty-foot sideyard.

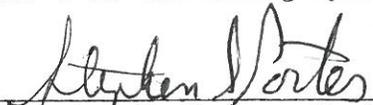
It is the opinion of this Authority that, because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

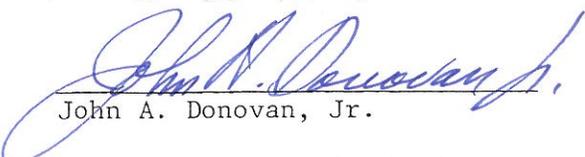
Therefore, the requested variance is granted to construct an expanded garage and a storage shed at 54 Fuller Brook Road as shown on the Plot Plan drawn by George N. Giunta, Registered Land Surveyor, dated January 10, 1987, coming no closer than 15.91 feet from the left side lot line.

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.

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

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.

  
Stephen S. Porter, Chairman

  
John A. Donovan, Jr.

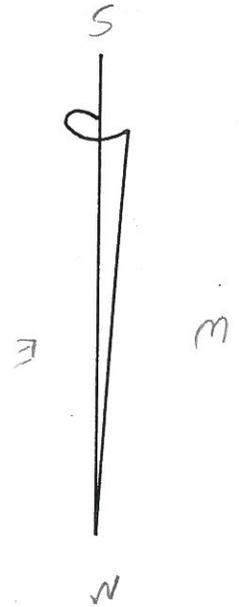
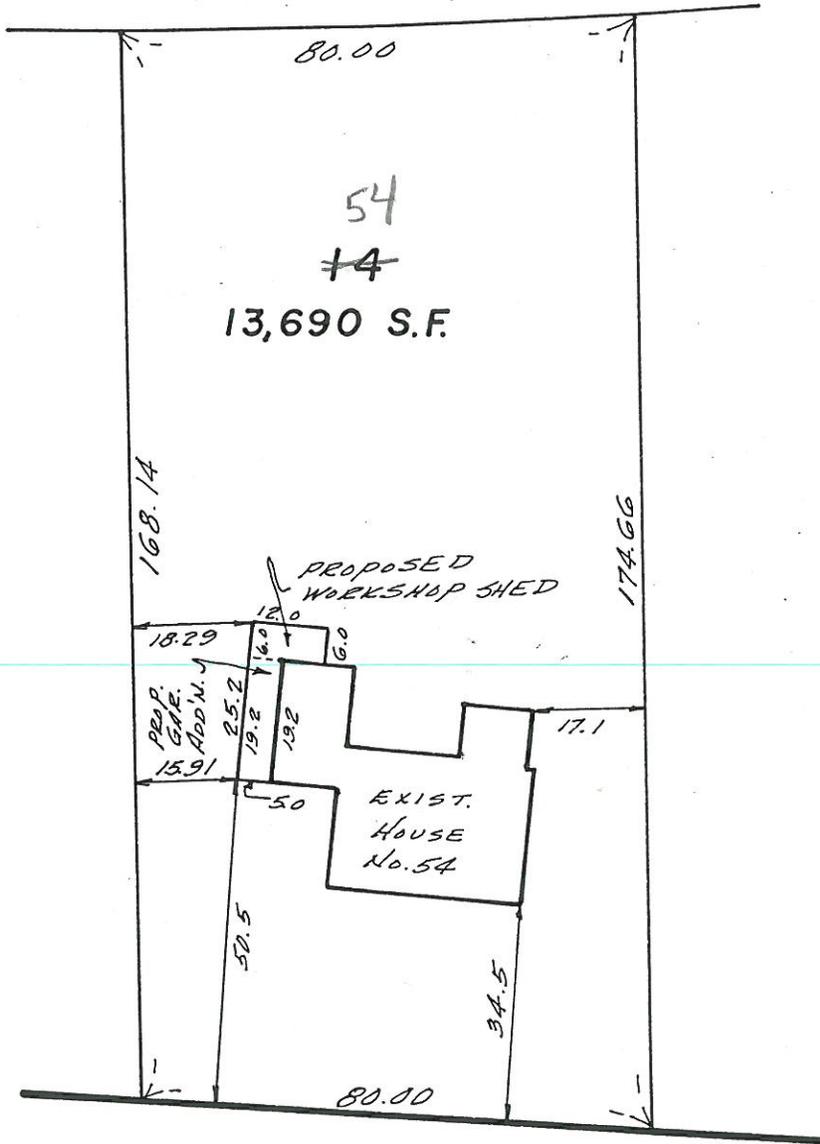
  
William E. Polletta

cc: Planning Board  
Inspector of Buildings

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COMMONWEALTH OF MASS.



54 FULLER BROOK RD.

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PLOT PLAN OF LAND  
IN

WELLESLEY — MASS.

JAN. 10, 1986

SCALE 1" = 30'

GEORGE N. GIUNTA R.L.S.  
 76 NEHOIDEN ST.  
 NEEDHAM, MASS.

