TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019

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FRANKLIN P. PARKER
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ZBA 89-43
Petition of Peter and Beverly Godfrey
34 Washburn Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, August 24, 1989 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of PETER AND BEVERLY GODFREY requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow removal of a one-story attached garage and construction of a new attached two-story garage approximately 24.1 feet by 22 feet with less than the required left side yard at their non-conforming dwelling at 34 WASHBURN AVENUE, in a Single Residence District.

On August 4, 1989, the petitioners 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 Kevin Gordon of Design West, who was accompanied by the petitioner, Peter Godfrey. Mr. Gordon said that the existing garage, which has storage space above the ground, has developed structural problems. The rear foundation, which was poured on grade, has developed severe cracks and is leaning on a 19 degree angle. Mr. Gordon said he proposes to rectify this hazardous situation by demolishing the existing garage which is about 9 and one-half feet from the left side lot line, and constructing a new garage with a master bedroom above the garage where the storage space presently exists. The second story addition would add about 650 square feet of living space. The roof line of the garage would be raised about 10 feet higher than that of the existing garage, and would match the existing roof line of the house.

Mr. Gordon said that the depth of the existing garage is 18 feet. He proposed to lengthen the garage about 2 feet, but the new garage would not come any closer to the left side lot line than the present garage.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 34 Washburn Avenue, in a Single Residence District, on a 14,020 square foot lot with a minimum left side yard clearance of 9.3 feet.

The petitioners are requesting a variance to remove an existing attached one-story garage and construct an attached two-story garage approximately 24.1 feet by 22 feet with a minimum left side yard clearance of 9.3 feet at the left front corner and 9.4 feet at the left rear corner.

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A Plot Plan dated June 8, 1989, revised July 17, 1989, drawn by Philip D. Lukens, Registered Land Surveyor; undated and unsigned construction drawings and elevations drawn by Design West; and photographs were submitted.

The Planning Board, on August 8, 1989, voted to oppose the second floor living space being added over the garage, as it is introducing living space too close to the lot line, where previously this portion of the building was used only for the passive parking of motor vehicles.

Decision

This Authority has made a careful study of the evidence presented. The subject house does not conform to the present Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed two-story garage conforms to the present lines of the house and does not alter the relationship of the house to the left side lot line.

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 petitioners and 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 remove the existing attached one-story garage and construct an attatched two-story garage at 34 Washburn Avenue, subject to construction in accordance with the plot plan and construction drawings as submitted and noted in the foregoing Statement of Facts.

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.

John A. Donovan, Jr., Chairman

Kendall P. Bates

Robert R. Cunningham

cc: Planning Board
Inspector of Buildings
edg

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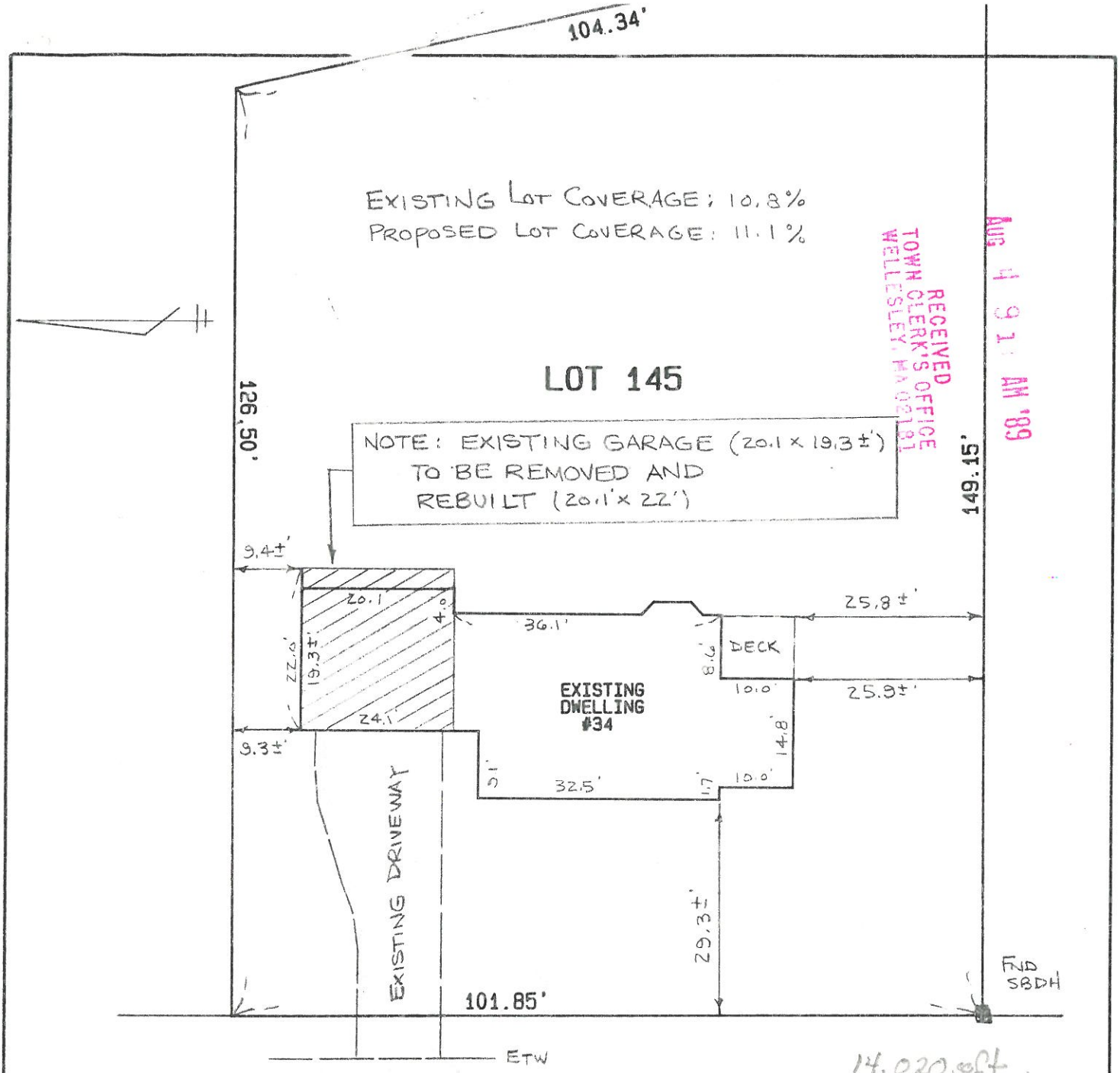

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14,020 sq ft
Rev Joyce Hastings
8/30/89

I CERTIFY THAT THE BUILDINGS ON THIS PROPERTY ARE LOCATED AS SHOWN ABOVE

LAND IS NOT LOCATED IN A FEDERAL DESIGNATED FLOOD HAZARD AREA.

PHILIP D. LUKENS NO. 31041 REGISTERED

REGISTERED LAND SURVEYOR

6-8-89
DATE

PLOT PLAN OF LAND
IN
WELLESLEY, MASS.

SCALE: 1" = 20' JUNE 8, 1989
REVISED JULY 17, 1989

GLM ENGINEERING CONSULTANTS, INC.
1750 WASHINGTON STREET
HOLLISTON, MASS 429-1100

MAKEPEACE