



Nov 7 9 09 AM '89

ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman  
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KENDALL P. BATES

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

ZBA 89-64  
Petition of Geraldine A. Crowley  
24 Lanark Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, October 26, 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 GERALDINE A. CROWLEY requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D to allow construction of an attached one-story garage, approximately 22 feet by 22 feet, at her presently conforming dwelling at 24 LANARK ROAD AND GARDEN ROAD, in a Single Residence District. The proposed garage would have less than the required front setback from GARDEN ROAD. As all existing buildings on a frontage of 500 feet including the affected lot have front yards of a greater depth than 30 feet, the minimum depth of 37 feet at 76 GARDEN ROAD is the required depth.

On October 10, 1989, the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Geraldine and Frank Crowley, who were accompanied by their architect, John Staniunas. Mr. Staniunas said that the Crowleys, who have lived in the house for 23 years, needed the garage although there is an existing two-car garage. He said that the only place to locate the proposed garage was fronting Garden Road. A very deep driveway presently exists, and the proposed garage is sited to line up with the driveway so that none of the existing trees or landscaping would be disturbed.

Mrs. Crowley submitted a petition signed by 6 neighbors and abutters supporting the petition.

Mr. Staniunas stated that because the garage had to have a length of 22 feet, he had attached it to the existing garage, but that in the proposed location, the garage would extend closer to Garden Road than the 37 and 1/2 feet, which is the front setback of the closest house within 500 feet. The driveway entrance is on Garden Road which makes this measurement the limiting dimension. The garage would be 30 and 1/2 feet from Garden Road, which meets normal setback requirements.

No other person had any comment on the petition.

#### Statement of Facts

The presently conforming dwelling is located at 24 Lanark Road, in a Single Residence District, on a 21,361 square foot lot, with a front setback of 49 feet from Garden Road.

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The petitioner is requesting a variance to construct an attached one story garage approximately 22 feet by 22 feet with a front setback of 30.5 feet from Garden Road, which is less than the required 37 feet. As all existing buildings on a frontage of 500 feet on Garden Road, including the affected lot, have front yards of greater than 30 feet, the minimum depth of 37 feet of the property at 76 Garden Road is the controlling front setback requirement.

A Plot Plan, dated September 1, 1989, drawn by U.M. Schiavone, Registered Land Surveyor; Construction drawings and elevations, dated September 13, 1989, drawn by John Stanionas, Registered Architect; an unsigned, undated Sketch of Land; and photographs were submitted.

The Wetlands Protection Committee, on October 13, 1989, issued a Negative Determination of Applicability with Conditions.

The Planning Board, on October 17, 1989, voted to offer no objection to the variance request.

#### Decision

This Authority has made a careful study of the evidence presented. The subject house is presently conforming as to the front yard setback from Garden Road. The proposed one story garage would create a nonconformity as the front yard setback of 30.5 feet would no longer meet the 37 foot requirement as noted in the foregoing Statement of Facts, and would, in fact, create a new front setback of 30.5 feet for affected properties on Garden Road.

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):

- "1. ...
  - 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, especially affecting such land or structures, but not generally affecting the zoning district in which it is located; and the hardship shall not have been self-created; 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 of the Zoning Bylaw, and is of the opinion that the granting of this variance would substantially derogate from the intent and purpose of this Zoning Bylaw.

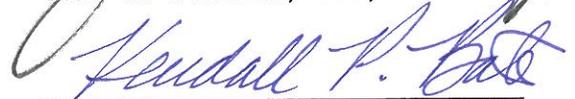
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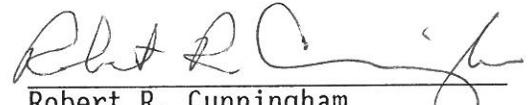
Therefore, it is the unanimous decision of this Authority that this request for a variance be denied, and this petition is dismissed.

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.

cc: Planning Board  
Wetlands Protection Committee  
Inspector of Buildings  
edg

  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

  
Robert R. Cunningham

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11/1/89 - Jack Regan  
Corner of house to Garden Rd  
49 ft to same point

Martin C. &  
Donna S. Moore-Ede

Note:  
House no. 76  
has a streetline  
setback of 37'

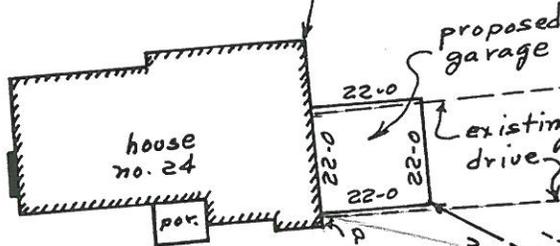
Elizabeth Gardner

Lot 1  
21,361 s.f.

Robert M. &  
Lou Ann Stoddard

133.06

202.69



ROAD

Note:  
House no. 14  
has a  
streetline  
setback of 33.5'



LANARK ROAD

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OCT 10 1 33 PM '89

Note:  
Lot coverage with  
proposed garage will  
be 13%.



# PLAN OF LAND IN WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF  
GERALDINE A. CROWLEY  
24 LANARK ROAD  
WELLESLEY

SCALE 1 IN = 40 FT  
U.M. SCHIAVONE  
NEWTON LOWER FALLS

SEPT 1, 1989  
LAND SURVEYOR  
MASS.