



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 89-65
Petition of Edward and Diane Pierce
6 Lafayette Circle

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, November 30, 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 EDWARD AND DIANE PIERCE requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow removal of an existing non-conforming one-story garage and breezeway approximately 14 feet 4 inches by 19 feet 6 inches and replacement with a new two-story garage and entry of the same dimensions at their non-conforming dwelling at 6 LAFAYETTE CIRCLE, in a Single Residence District, with less than the required right side yard.

On November 14, 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 were Edward and Diane Pierce. Mr. Pierce said that when they purchased their home six years ago, they knew that they would have to rebuild the garage as it was not structurally sound. Now that they are ready to rebuild the garage, they wish to provide for future family expansion at the same time by adding a bedroom over the garage. The present garage is 10 feet from the right side lot line; the new garage would not encroach any further.

Robert Magliozzi, 21 Fisher Avenue, a direct abutter, heartily supported the variance request.

Statement of Facts

The non-conforming dwelling is located at 6 Lafayette Circle, in a Single Residence District, on a 10,099 square foot lot, with a minimum right side yard clearance of 10 feet.

The petitioners are requesting a variance to remove the existing one-story garage, and breezeway approximately 14 feet 4 inches by 19 feet 6 inches and replace it with a two-story garage and entry of the same dimensions. The existing garage leaves a non-conforming right side setback of 10 feet. The new garage would also leave a minimum non-conforming right side setback of 10 feet.

A Plot Plan dated December 16, 1985, drawn by Carmelo Frazetti, Registered Land Surveyor; undated construction drawings and elevations signed by Kevin Mullin, Contractor; and photographs were submitted.

The Planning Board, on November 28, 1989, voted to oppose the variance request as it would result in overbuilding within the inadequate side yard.

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Decision

This Authority has made a careful study of the evidence presented. The subject house does not conform to the present Zoning Bylaws 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 right 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 petitioner, and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

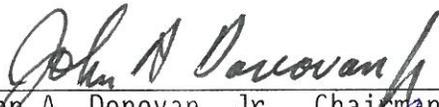
Therefore, the requested variance is granted to remove the existing garage and breezeway and construct a two-story garage and entry of the same dimensions in accordance with the plot plan and construction drawings submitted and noted in the foregoing Statement of Facts, said garage coming no closer than 10 feet to the right side lot line.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon his receipt and approval of a building application and construction plans.

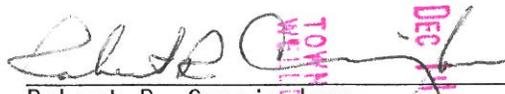
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

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