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ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 89-8  
Petition of William and Marjorie Holodnak  
62 Temple Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 19, 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 WILLIAM AND MARJORIE HOLODNAC, requesting a variance from the terms of Section XIX and pursuant to Section XXIV-B of the Zoning Bylaw to allow the construction of an attached two-car garage, approximately 22.5 feet by 24 feet, at their dwelling at 62 TEMPLE ROAD, in a Single Residence District; said garage to leave less than the required left side yard.

On January 3, 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 William and Marjorie Holodnak, who were accompanied by their architect, Arshag Merguerian. Mr. Holodnak said that their house had no garage, and that the proposed location seemed the most logical place to locate one. The site has a fairly steep incline. The garage has been sited as far back as possible. The encroachment would be only one foot. Mr. Holodnak also said that the abutting neighbors have no objection.

Mr. Merguerian stated that to site the garage farther back would mean that the eaves of the garage would be too close to the grade. In fact, he had raised the roof of the garage to elevate the eave in the rear. He said that he had raised the driveway about a foot above natural grade to save on the excavation costs. In response to the Board's question, Mr. Merguerian said that the minimum lot size in the area was 40,000 square feet.

The Board questioned if the garage could be moved back the necessary foot. Mr. Merguerian stated that it would take four and one-half feet to accomplish this. The Board suggested raising the garage one foot to move it back the required foot. Mr. Merguerian said that the driveway grade would have to be raised further, which would make it unsafe in winter. He said he had allowed only 10 feet 3 inches for the garage which is less than usual.

No other person present had any comment on the petition.

Statement of Facts

The conforming dwelling is located at 62 Temple Road, in a Single Residence District, on a 95,417 square foot lot.

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The petitioners are requesting a variance to construct an attached two-car garage, approximately 22.5 feet by 24 feet, which would come within 19 feet of the left side lot line at the left front corner of the proposed garage.

A Plot Plan dated December 27, 1988, drawn by George N. Giunta, Registered Land Surveyor; construction plans and elevations dated October, 1988, November 23, 1988, December 28, 1988, drawn by Arshag Merguerian; and photographs were submitted.

The Planning Board, on January 10, 1989, voted to oppose the granting of the variance request.

Decision

This Authority has made a careful study of the evidence presented. The subject house presently conforms to the current Zoning Bylaws.

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):

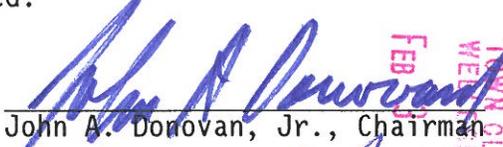
- "1. ...
- a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to: i) soil conditions, ii) shape, or iii) topography of such land or structures, especially affecting such 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.

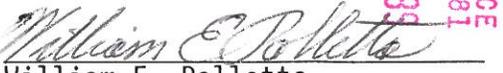
Therefore, it is the unanimous opinion of this Authority that this request for a variance be denied, and this petition is dismissed.

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  
Inspector of Buildings  
edg

  
John A. Donovan, Jr., Chairman

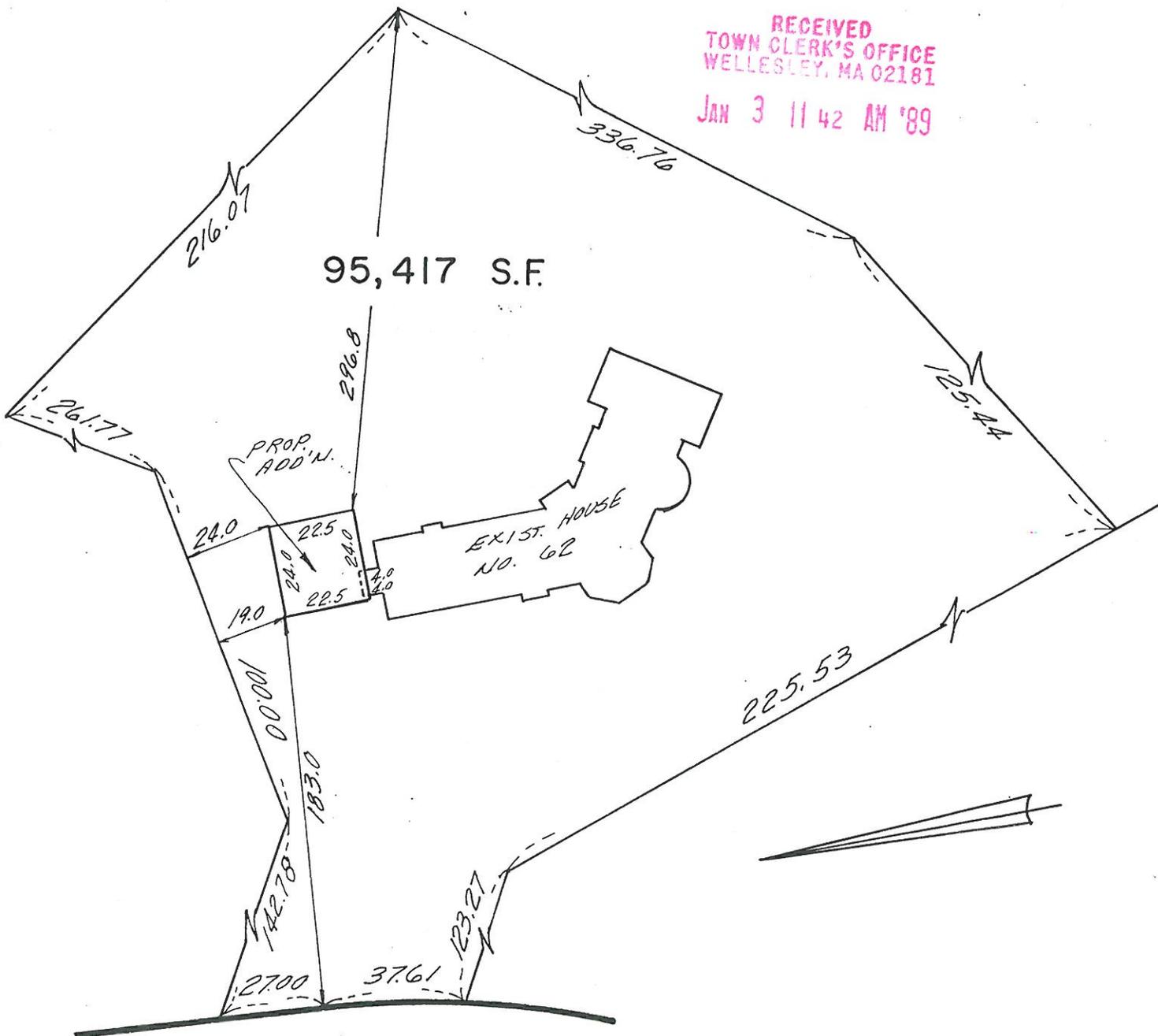
  
Kendall P. Bates

  
William E. Polletta

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TEMPLE RD.

PLOT PLAN OF LAND  
IN  
WELLESLEY — MASS.



DEC. 27, 1988 SCALE 1" = 40'  
NEEDHAM SURVEY ASSOCIATES  
76 NEHOIDEN ST.  
NEEDHAM, MASS.