TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

DEC 19 8 43 AM '90

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ZBA 90-84
Petition of Sidney and Laura W. Farnsworth
19 Jackson Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, November 29, 1990 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, on the petition of SIDNEY AND LAURA W. FARNSWORTH requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of a one-story addition, approximately 9.6 feet by 24.2 feet, to their pre-existing nonconforming garage with less than the required rear and right side yard setbacks at their property at 19 JACKSON ROAD, in a Single Residence District.

On November 13, 1990, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case was Sidney Farnsworth, who said that he wished to add a carport to the garage to be able to store both his antique automobiles inside the garage and provide cover for his own car. A small portion of the carport would be enclosed for use as a tool shed.

No person present had any comment on the petition.

Statement of Facts

The nonconforming detached garage is located at 19 Jackson Road, in a Single Residence District, on a 15,177 square foot lot, with a minimum right side clearance of 8.3 feet and a minimum rear yard clearance of 6.5 feet.

The petitioners are proposing a one-story addition to the garage, approximately 9.6 feet by 24.2 feet, of which 9.6 feet by 5 feet would be enclosed for use as a tool shed. The remaining 9.6 feet by 19.2 feet would be roofed but unenclosed for use as a carport. The proposed addition would have a minimum rear yard clearance of 7 feet.

A Plot Plan dated October 16, 1990, drawn by Frank D. Defalco, Professional Land Surveyor; construction drawings and elevations; and photographs were submitted.

The Planning Board, on November 19, 1990, voted to recommend no objection to the petition as the proposed addition does not represent a further encroachment on the inadequate rear yard setback.

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Decision

This Authority has made a careful study of the evidence presented. The subject garage 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 one-story garage addition conforms to the present lines of the garage and does not alter the relationship of the garage to the rear lot line.

It is the opinion of this Authority that because of the shape of the lot and the location of the garage 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 subject to construction in accordance with the Plot Plan and construction drawings as submitted and noted in the foregoing Statement of Facts, said addition coming no closer than 7 feet from the rear 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.

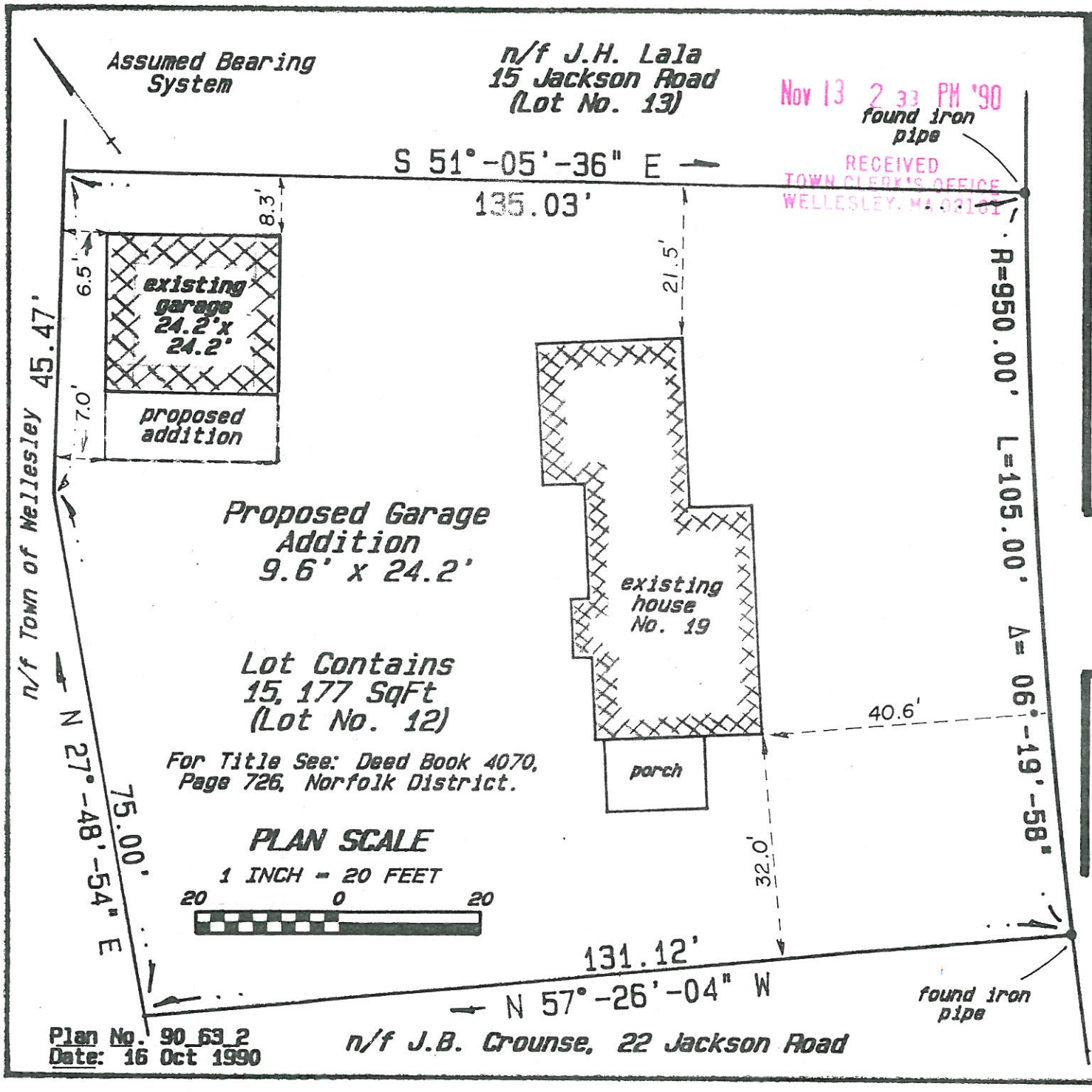
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

John A. Donovan, Jr., Chairman

Kendall P. Bates

Robert R. Cunningham

cc: Planning Board
Inspector of Buildings
edg



Plan No. 90_63_2
Date: 16 Oct 1990

Nov 13 2 33 PM '90
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FRANK D. DEFALCO
PROFESSIONAL LAND SURVEYOR

THE BOUNDARY INFORMATION DEPICTED IS THE RESULT OF AN INSTRUMENT LOCATION.

FRANK D. DEFALCO No. 18982

SURVEYOR No. 18982
Date: Oct. 16, 1990

DEFALCO ENGINEERING INCORPORATED
34 CHAMBERLAIN PARKWAY
WORCESTER, MA 01602
(508) 798-3466 or 365-5577

JACKSON ROAD

Title:
GARAGE ADDITION LOCATION

Plan Prepared For:
Sidney W. Farnsworth
and
Laura W. Farnsworth
19 Jackson Road
Wellesley, MA 02181

90_63_B/120