



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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SEP 10 8 27 AM '92

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WELLESLEY, MA 02181

ZBA 92-39

Petition of Holly Pope and Barton Kunstler
9 Roanoke Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, August 27, 1992 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 HOLLY POPE AND BARTON KUNSTLER 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 garage shed addition, approximately 7 feet by 18 feet at the rear of their nonconforming detached garage with less than the required left side yard, at their premises at 9 ROANOKE ROAD, in a Single Residence District.

On July 13, 1992, the petitioners requested a hearing before this Authority and thereafter due notice was given by mailing and publication.

Presenting the case at the hearing was Holly Pope, who said she would like to build a small addition to her garage for the purpose of storing garden equipment. Two years ago she appeared before the Board for permission to turn the garage into a studio. There is not sufficient space in the studio to store the garden tools, which is the reason for requesting the addition. The shed will be used solely for storage. The garage is used only as a studio and has no plumbing facilities.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 9 Roanoke Road, in a Single Residence District, on a 18,210 square foot lot, which contains a conforming dwelling and a nonconforming garage, built prior to 1941, with a minimum left side clearance of 11.2 feet. In April, 1990, the petitioner requested a Finding that the change of use of the garage from automobile storage to a studio would not be more detrimental to the neighborhood than the existing structure and use. The Board allowed the change of use with specific conditions (ZBA 90-26).

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The petitioner is now requesting a variance to build a shed addition at the rear of the garage, approximately 7 feet by 18 feet, with a minimum left side yard clearance of 13 feet from the left rear corner, for the purpose of storage of garden equipment.

A Plot Plan dated June 2, 1992, drawn by George Giunta, Registered Land Surveyor; construction drawings and elevations; and photographs were submitted.

On July 14, 1992, the Planning Board reviewed the request and voted to offer no objection to the requested addition.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject garage in its location on the lot 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 shed addition conforms to the present lines of the garage, and, in fact, will be less of an encroachment on the left side yard than the existing nonconforming garage.

It is the further 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 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. This variance also hereby incorporates all of the conditions regarding said garage set forth in the aforementioned decision (ZBA 90-26).

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

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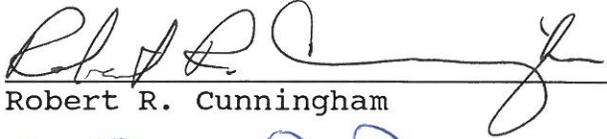
If the rights authorized by a variance are not exercised within one year of the date of grant of said variance, they shall lapse and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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



Kendall P. Bates, Acting Chairman



Robert R. Cunningham



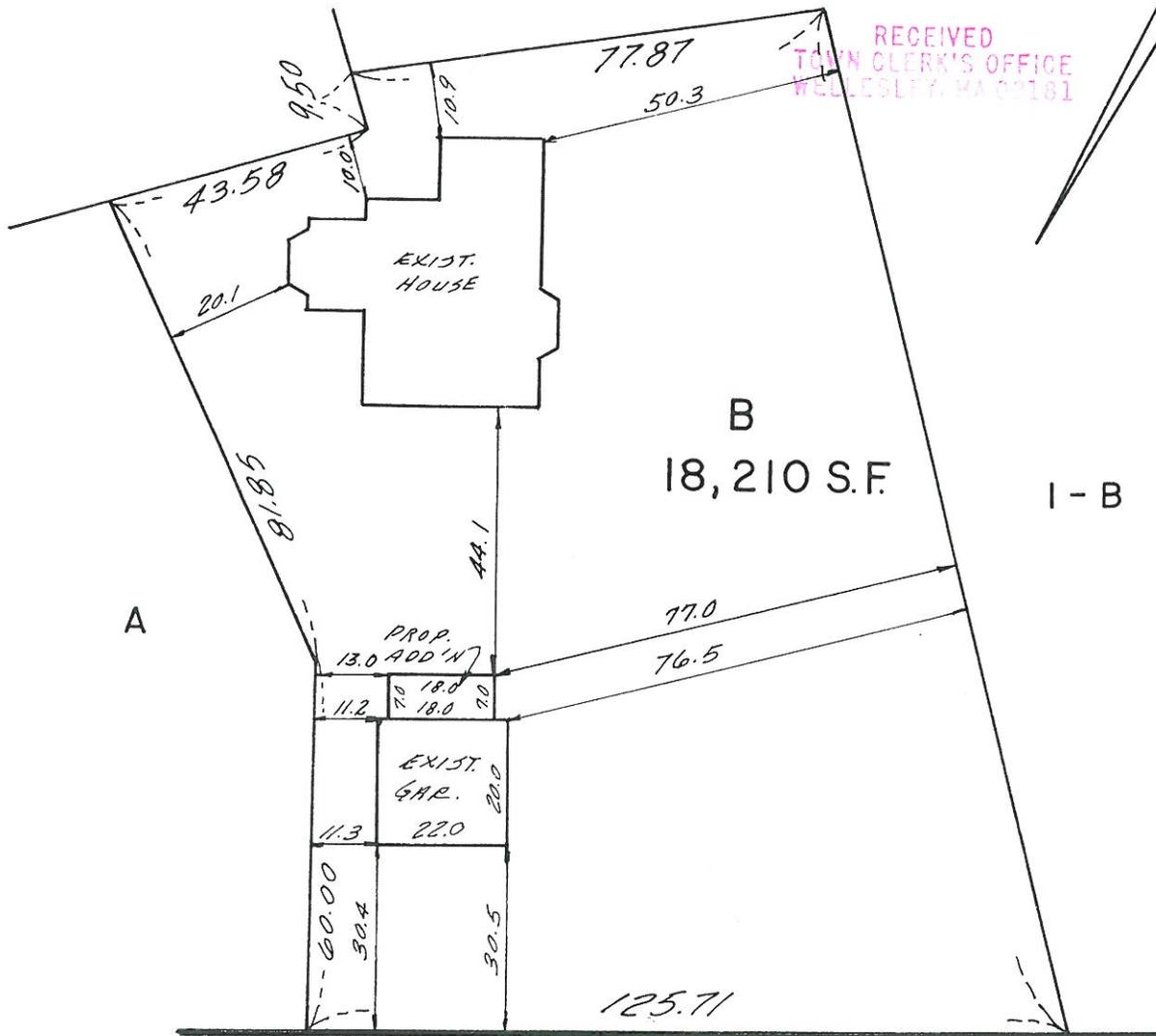
Franklin P. Parker

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ROANOKE ROAD

PLOT PLAN OF LAND
IN

WELLESLEY — MASS.

JUNE 2, 1992

SCALE 1" = 30'

NEEDHAM SURVEY ASSOCIATES, INC.
281 CHESTNUT ST
NEEDHAM, MASS.

