



MAR 21 8 38 AM '96

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATESELLEN D. GORDON
Executive Secretary
Telephone
431-1019 X208RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

ZBA 96-8

Petition of Francis C. and Gay A. Gray, III
23 Westwood Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, March 14, 1996 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of FRANCIS C. AND GAY A. GRAY, III, 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 two-story addition approximately 40.27 feet by 38.39 feet, which would have less than the required right side yard setback at their conforming dwelling at 23 WESTWOOD ROAD, in a Single Residence District.

Presenting the case at the hearing was Francis Gray, who submitted a letter in support of the petition from Wendy Chatel, 17 Westwood Road, the right side abutter. Mr. Gray said that they are asking for a minimal amount of space to add a bay to their garage so that two cars can be fitted into the structure.

The Board noted that the Planning Board had recommended denial of the variance, and that the Zoning Board has difficulty in allowing a conforming side yard to become nonconforming. However, in this case, the 20 foot garage was as small as a garage could be and still be used to house two cars. If the garage were to be downsized, it would not be functional.

Mr. Gray said that the plans call for a 19 foot interior space for the garage. With 19 feet, two cars will fit adequately. He added that they are asking for the least amount of encroachment possible, and still build a functional garage. The right rear corner of the garage will encroach about 7 inches on the right side line.

The Board stated that because the encroachment was minimal, the variance could be granted, but was not to be used as a precedent for future construction in the neighborhood.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 23 Westwood Road on a 20,922 square foot lot, in a Single Residence District, and has a conforming right side yard clearance of 27.17 feet.

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The petitioners are requesting a variance to construct a two-story addition approximately 40.27 feet by 38.39 feet. The nonconforming portion of the addition will be the 8.10 foot by 30.48 foot garage expansion, which will have a minimum right side clearance of 19.7 feet from the right front corner and 19.4 feet from the right rear corner. The additional space on the second story above the garage expansion will be used to increase the size of the master bedroom.

A plot plan dated January 23, 1996, drawn by Charles H. Katz, Professional Land Surveyor; Existing Conditions consisting of Ground Floor Plan (Page 1), Second Floor Plan (Page 2), North Elevation (Page 3), West Elevation (Page 4), South Elevation (Page 5); Proposed Conditions consisting of Ground Floor Plan (A-1), Second Floor Plan (A-2), North & South Elevations (A-3), West Elevation & Sections (A-4) dated January 26, 1996, drawn by Thomas Peter Dolle Associates; and photographs were submitted.

On February 20, 1996, the Planning Board reviewed the petition and voted to recommend that the variance be denied as a very small modification in the project will bring it into compliance with the 20' side yard setback requirement.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. Although the subject dwelling is conforming, the proposed two-story addition will not conform to the current Zoning Bylaw as it will come to 19.4 feet from the right side lot line.

It is the opinion of this Authority that the petitioners have made a determined effort to reduce the size of the proposed garage/master bedroom expansion in order to minimize the encroachment on the right side lot line to 7 inches, and that further downsizing of the garage would render it nonfunctional.

It is the further 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 petitioners, and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, it is the unanimous decision of this Authority, as voted at the Public Hearing, to grant the requested variance subject to construction in accordance with the submitted plot plan and construction drawings, as noted in the foregoing Statement of Facts.

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

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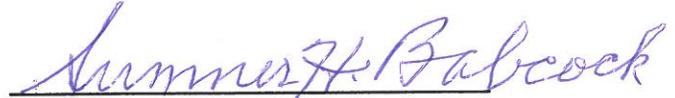
If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

TOWN RECEIVED
WELLINGTON'S OFFICE
2181

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.



Kendall P. Bates
Kendall P. Bates, Acting Chairman



Sumner H. Babcock
Sumner H. Babcock



William E. Polletta
William E. Polletta

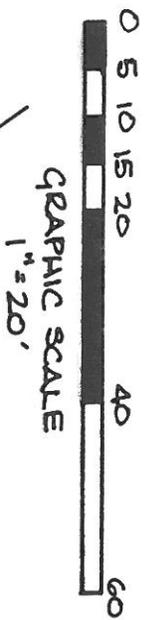
cc: Planning Board
Inspector of Buildings
edg

This lot lies within Zone 'C' of F.I.R.M. Map
 250255-0005 B Dated 9/5/79.

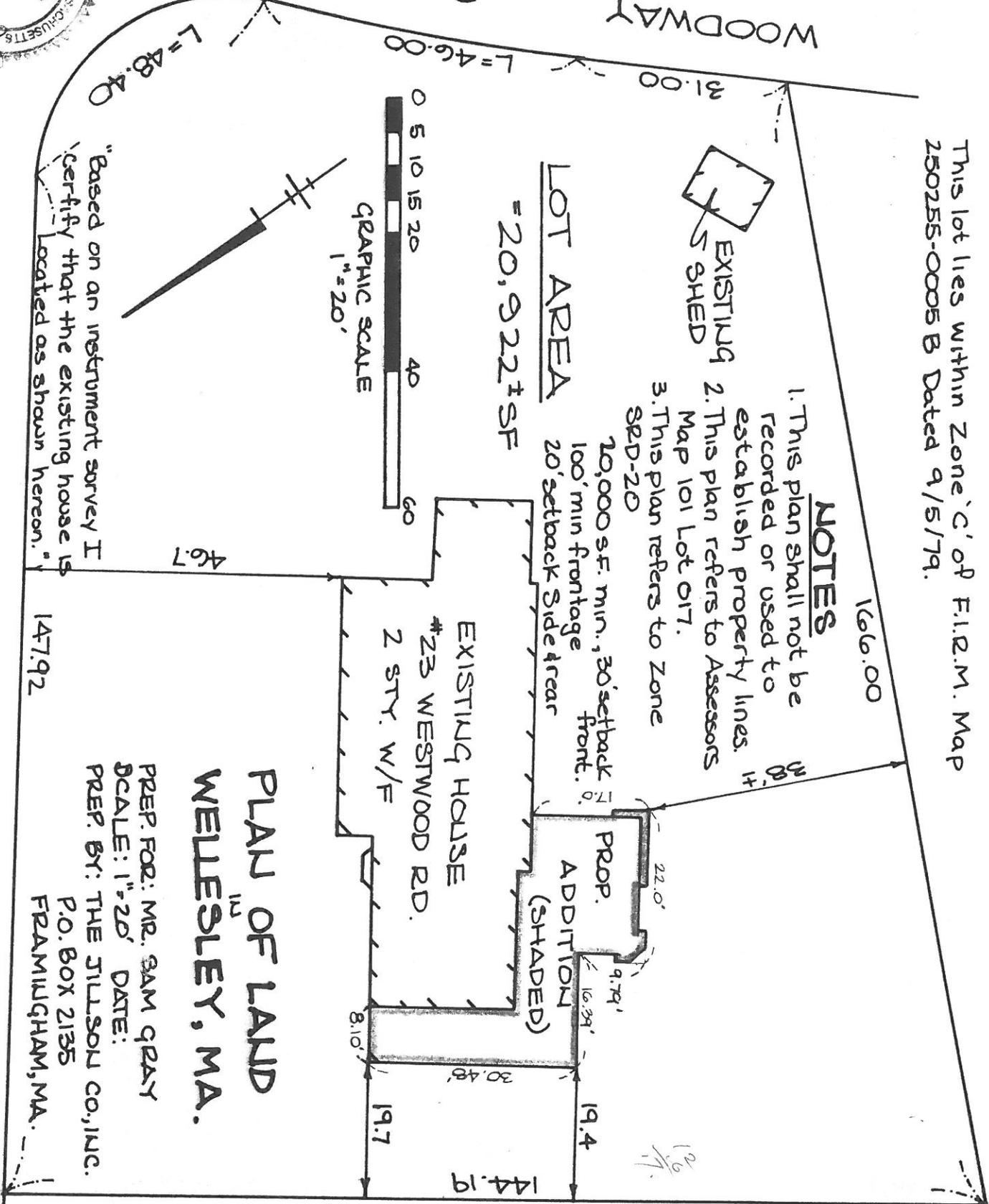


- NOTES**
1. This plan shall not be recorded or used to establish property lines.
 2. This plan refers to Assessors Map 101 Lot 017.
 3. This plan refers to Zone SPD-20

LOT AREA
 = 20,922 ± SF



"Based on an instrument survey I certify that the existing house is located as shown hereon."



PLAN OF LAND
 IN
WELLESLEY, MA.

PREP. FOR: MR. SAM GRAY
 SCALE: 1"=20' DATE:
 PREP. BY: THE JILSON CO., INC.
 P.O. BOX 2135
 FRAMINGHAM, MA.



WOODWAY

31.00

L=46.00

L=48.40

WESTWOOD ROAD

166.00

EXISTING HOUSE

#23 WESTWOOD RD.

2 STY. W/F

EXISTING SHED

PROP. ADDITION (SHADED)

20.0'

9.79'

16.39'

8.10'

30.48'

19.4

14.19

19.7

46.7

147.92