TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019 X208

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
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ZBA 96-31
Petition of Stephan G. and Nancy E. Braun
94 Manor Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 30, 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 STEPHAN G. AND NANCY E. BRAUN 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 detached two-car garage approximately 28 feet by 21 feet, which will have less than the required left side yard setback, at their premises at 94 MANOR AVENUE, in a Single Residence District.

On May 13, 1996, the petitioners filed a request for a hearing before this Authority, and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Stephan Braun, who said that they had lost their garage during the January snow storms. They would like to rebuild the garage, but move it closer to the street to make better use of their back yard. The old garage was 7 feet from the right side lot line, while the proposed garage will have a conforming right side yard setback of 20.5 feet, but will have less than the required left side setback. The location of the driveway, which accesses onto Oakdale Avenue, will not change.

No other person present had any comment on the petition.

Statement of Facts

The former garage was located on the premises at 94 Manor Avenue, in a Single Residence District, on a 10,000 square foot lot, and had a minimum right side yard clearance of 7 feet. The proposed 28 foot by 21 foot garage will have a conforming right side clearance of 20.5 feet, a conforming rear yard clearance of 10.5 feet, but will have a minimum left side yard clearance of 14 feet.

A Plot Plan dated 4/10/96, revised 4/16/96, drawn by Joseph D. Marquedant, Registered Professional Land Surveyor; unsigned floor plans and elevations dated 3/22/96 and photographs were submitted.

On May 23, 1996, the Planning Board reviewed the petition and had no objections.

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Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The proposed garage will not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that because of the shape of the lot, and because the petitioners are substantially decreasing the original nonconformance of the former structure, 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.

At the Public Hearing, this Authority voted unanimously to grant the requested variance. Therefore, the requested variance is granted to build the detached garage subject to construction in accordance with the submitted plot plan and construction drawings.

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.

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.

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.

John A. Donovan, Jr., Chairman

Kendall P. Bates

Robert A. Bastille

cc: Planning Board
Inspector of Buildings
edg

OFFSETS FROM BUILDING NOT TO BE USED TO ESTABLISH PROPERTY LINES OR LOT CORNERS

MAY 13 10 21 AM '96
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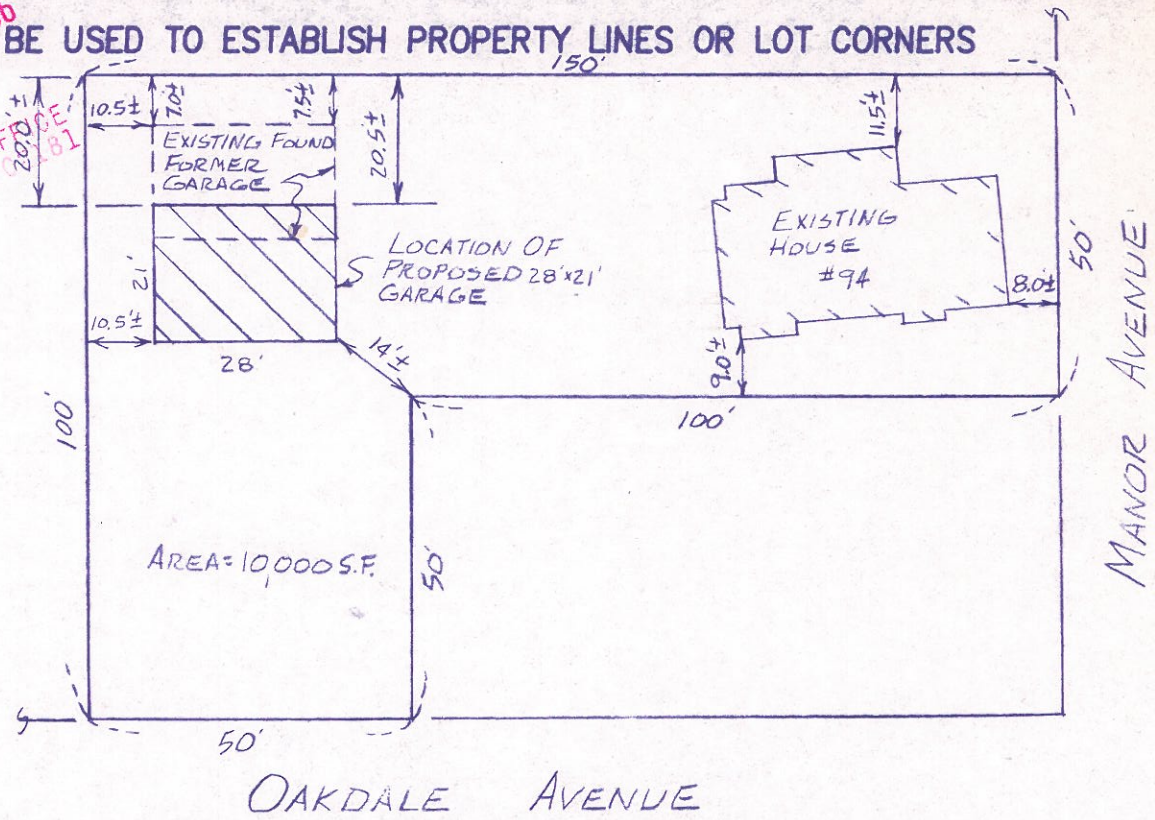
NOTES:

1.) SEE DEED BK 3920 PG 180.
2.) SEE PLAN BK. 69 PLAN #3324.
3.) SEE LAND COURT PLAN DATED AUG. 6, 1940.
4.) PLAN REFERS TO LOTS 196, 197, 200 & 201 ON PLAN # 3324.
5.) SEE ASSESSORS MAP 198 PAR 49.



COMMONWEALTH OF MASSACHUSETTS
JOSEPH D. MARQUEDANT No. 27873
REGISTERED PROFESSIONAL LAND SURVEYOR

I CERTIFY THAT THIS BUILDING IS LOCATED ON THE LOT AS SHOWN AND THAT IT CONFORMED TO THE ZONING REGULATIONS OF THE TOWN OF WELLESLEY, MA*, ALSO THAT IT DOES NOT FALL WITHIN A FEDERALLY DESIGNATED FLOOD HAZARD AREA. MAP NO. 250255 005B

* AT THE TIME OF CONSTRUCTION

PLOT PLAN
IN
WELLESLEY, MA

SCALE: 1"=30'	APPROVED BY:	DRAWN BY:
DATE: 4/10/96		REVISED: 4/16/96

PREP. BY: J.D. MARQUEDANT & ASSOCIATES INC.
LAND SURVEYING & ENGINEERING
6 WALCOTT STREET HOPKINTON MA

PREP. FOR: STEPHAN BRAUN
94 MANOR AVE., WELLESLEY, MA

DRAWING NUMBER: 3517