



SEP 16 3 04 PM '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 X208WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCKZBA 96-57
Petition of Amy S. Haley
30 Greenwood Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, August 22, 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 AMY S. HALEY requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow demolition of an existing detached one-car garage and construction of a two-story, two-car detached garage approximately 32 feet by 25 feet, with less than the required front setback from an unnamed paper street, at her property at 30 GREENWOOD ROAD, in a Single Residence District.

On August 5, 1996, the petitioner 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 Amy Haley, who said that she would like to demolish her existing garage and build a new two-car garage. The problem is that conservation land and a paper street abut the rear of the property. The paper street is actually a footpath that leads to a large rock formation called "Devil's Slide". The garage will have less than the 30 foot setback from the paper street.

The Board stated that the garage could be built in a conforming manner. Mrs. Haley agreed, but said that if it were, it would loom over the abutting houses which are close to their lot lines. Both neighbors are in full support of the petition.

The Board asked what the second floor of the garage would contain. Mrs. Haley said that it would be unfinished storage space. There would be no heat or water in the garage.

The Board stated that it was concerned that a detached two-story structure could be used for occupancy in the future. The grant of the variance would have to contain a condition stating that the garage could never be used as a second dwelling unit, and that no heat or indoor plumbing facilities could ever be installed.

No other person present had any comment on the petition.

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Statement of Facts

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The subject property is located at 30 Greenwood Road, in a Single Residence District, on a 23,229 square foot lot, and contains a conforming two and one-half story dwelling and a detached nonconforming one-car garage with a minimum rear yard clearance of 19.81 feet from the unnamed paper street. The paper street runs between Greenwood and Sawyer Roads and abuts the rear of the properties at 30 and 12 Greenwood Road and the right side of 35 Sawyer Road.

The petitioner is requesting a variance to demolish said garage and construct a detached, two-story, two-car garage approximately 32 feet by 25 feet, which would have a minimum rear yard clearance of 18.82 feet from the unnamed paper street.

A Plot Plan dated June 24, 1996, drawn by William J. Ferro, Registered Professional Land Surveyor; undated Floor Plans and Elevations drawn by Michael A. William, Architect; and photographs were submitted.

A letter in support of the petition was received from Andrew and Susan Friedman, 34 Greenwood Road.

On August 20, 1996, the Planning Board reviewed the petition and voted to recommend no objection to the grant of the variance.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The proposed two-story, detached, two-car 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 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 petitioner 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, as voted unanimously by this Authority at the Public Hearing, to construct the two-story, detached, two-car garage, subject to construction in accordance with the submitted plot plan and construction drawings, and further subject to the following conditions:

1. The two-story, detached, two-car garage shall never be used as a second dwelling unit.

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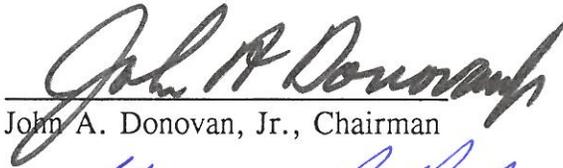
2. No heat or indoor plumbing facilities shall ever be installed in said garage.

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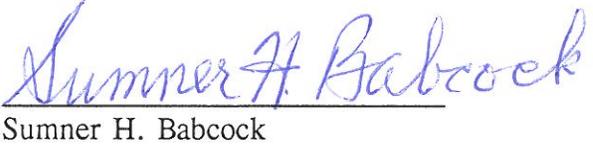
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon receipt and approval of a building application and detailed construction plans.

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

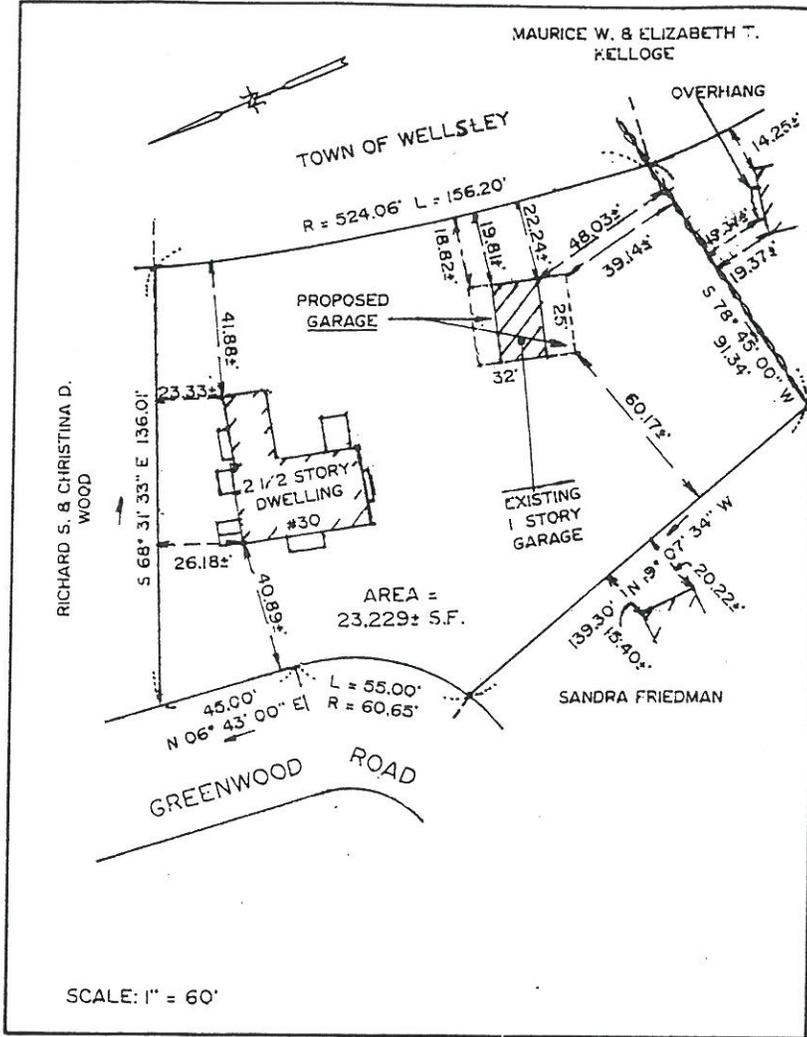

Kendall P. Bates


Sumner H. Babcock

cc: Planning Board
Inspector of Buildings
edg

PROPOSED CONSTRUCTION

CERTIFIED PLOT PLAN



JUNE 24, 1996

Date

William J. Ferro
Reg. Land Surveyor

20 ALEXANDER STREET
FRAMINGHAM, MA 01702

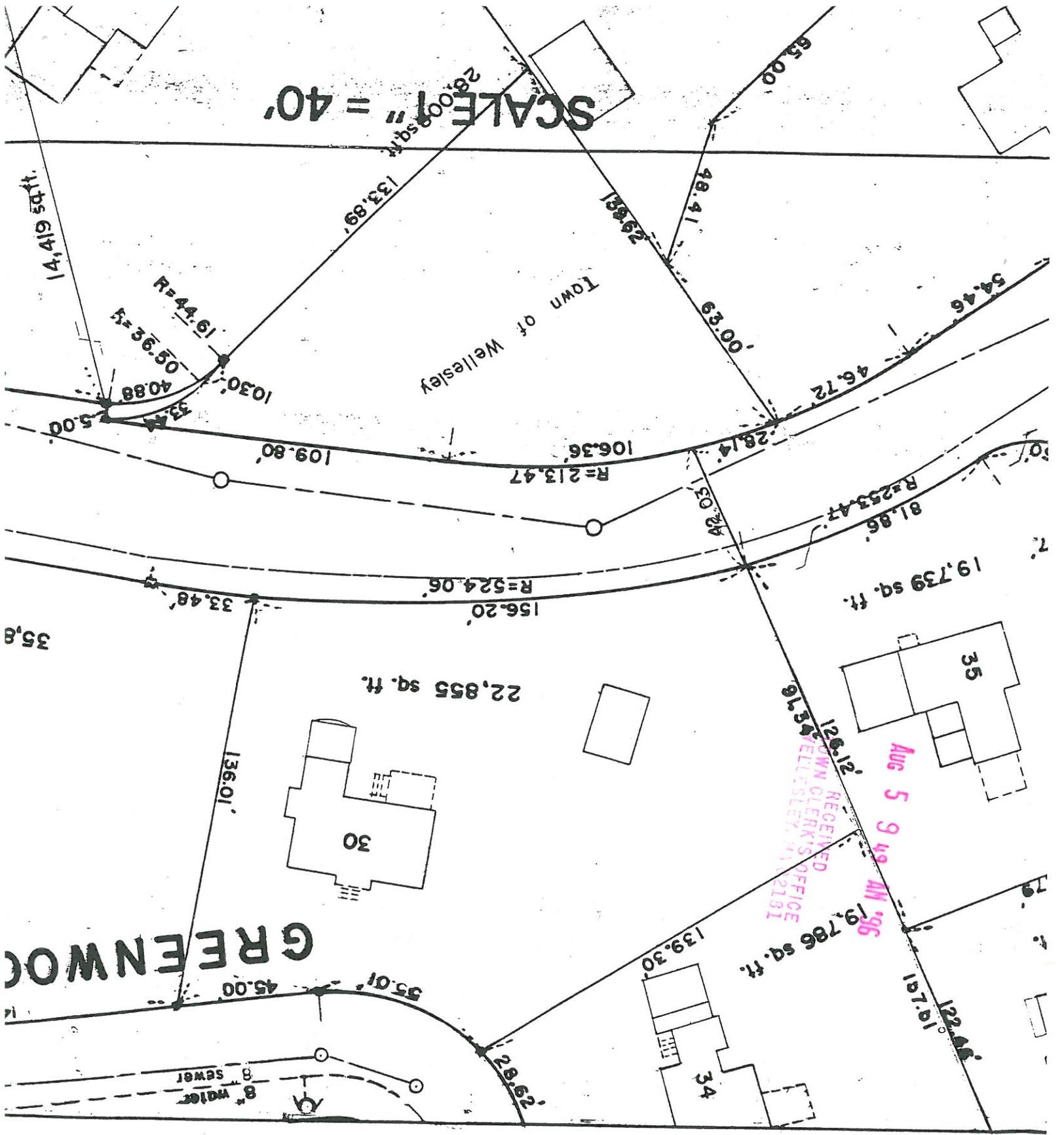
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SCALE 1" = 40'

Town of Wellesley



FROM WELLESLEY TOWN ENGINEER