



ZONING BOARD OF APPEALS ^{APR 4 8 37 AM '97}

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

JOHN A. DONOVAN
KENDALL P. BATES
WILLIAM E. POLLETTA

ELLEN D. GORDON
EXECUTIVE SECRETARY
TELEPHONE
(617) 431-1019 EXT. 208

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
SUMNER H. BABCOCK
ROBERT A. BASTILLE

ZBA 97-19

Petition of Mary Jane Ertman
8 Bird Hill Avenue _____

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, March 27, 1997 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 MARY JANE ERTMAN 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 22 foot by 22 foot detached two-car garage with less than the required right side yard setback, on her property at 8 BIRD HILL AVENUE, in a Single Residence District.

On March 6, 1997, 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 were Mary Jane and Gardner Ertman. Mr. Ertman said that the site is difficult due to the odd shape and the topography of the lot. The land slopes down toward Bird Hill Avenue on the right and down from the rear lot line. If they are allowed to locate the garage the requested 10 feet from the lot line, the construction will require less fill and less paving. The garage face will be 70 feet from Bird Hill Avenue.

The Board commented that the shape of the lot does not prevent the Ertmans from siting the garage 20 feet from the right side line. The topographical contours create the hardship on which the variance can be granted.

Ralph and Sandra Donabed, 130 Washington Street, expressed support for the petition.

Statement of Facts

The subject property is located at 8 Bird Hill Avenue, in a Single Residence District, on a 15,449 square foot lot and contains a conforming two story dwelling. The petitioners are requesting a variance to construct a 22 foot by 22 foot detached two-car garage which would have a minimum right side yard clearance of 10 feet.

A plot plan dated February 25, 1997, drawn by John J. Caffrey, Registered Land Surveyor; a site plan dated March 3, 1997, drawn by Gardner Ertman, Registered Architect; Plans, Elevation and Section, dated March 3, 1997, drawn by Gardner Ertman, Registered Architect; and photographs were submitted.

ZBA 97-19
Petition of Mary Jane Ertman
8 Bird Hill Avenue _____

On March 11, 1997, the Planning Board reviewed the petition and offered no objection to the granting of the variance.

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 due to the topographical constraints of 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 to construct a detached two-car garage is granted, as voted unanimously by this Authority at the Public Hearing, subject to construction in accordance with the revised plot plan and submitted construction drawings, and on the following condition:

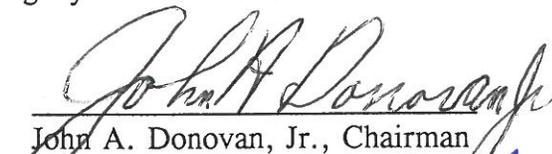
1. A revised plot plan showing the new location of the garage, which maintains the 10 foot setback from the right side lot line, shall be submitted to the office of the Board of Appeals prior to the issuance of any building permit.

The Inspector of Buildings is hereby authorized to issue a permit for the construction, subsequent to the petitioner's compliance with the above stated condition, and 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.

cc: Planning Board
Inspector of Buildings
edg

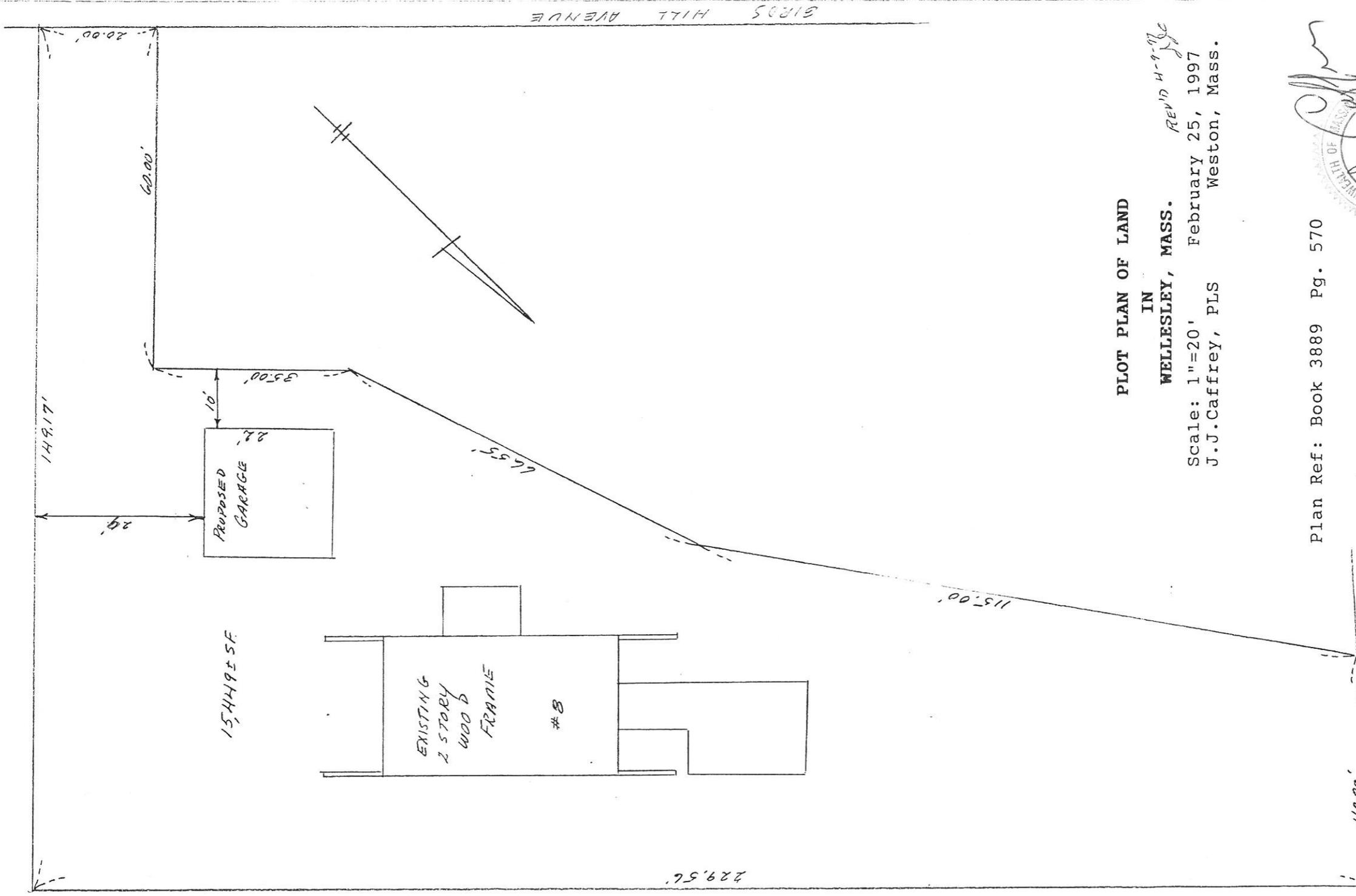

John A. Donovan, Jr., Chairman

Kendall P. Bates


William E. Polletta

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
APR 4 8 37 AM '97

ZOR 97-19



PLOT PLAN OF LAND

IN

WELLESLEY, MASS.

Scale: 1"=20'

J.J.Caffrey, PLS

February 25, 1997

Weston, Mass.

REV'D 4-9-97 JJC

Plan Ref: Book 3889 Pg. 570

