

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 97-15

Petition of George L. Osborn, II
19 Mellon Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, February 26, 1998 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of GEORGE L. OSBORN, II requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow the construction of a one-story 8 foot by 24.5 foot garage expansion, which will have less than the required right side yard setback, at his conforming dwelling at 19 MELLON ROAD, in a Single Residence District.

On February 3, 1998, 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 George Osborn, who was in a wheelchair. Mr. Osborn said that he needs the space for a ramp inside the garage to provide wheelchair access. His doctor has written a letter to the Board stating that the ramp is essential, as the dwelling must be made handicap accessible. Mr. Osborn said that he is requesting less than a foot at the rear corner and 3.2 feet at the front corner of the garage expansion.

The Board agreed that the petitioner had a definite hardship, and that there was no possible conforming solution.

Statement of Facts

The subject conforming property is located at 19 Mellon Road, in a Single Residence District, on a 13,059 square foot lot. The petitioner is requesting a variance to construct an 8 foot by 24.5 foot garage expansion, which will have a minimum right side yard clearance of 16.8 feet from the front right corner and 19.1 feet from the right rear corner.

A Plot Plan dated January 20, 1998, drawn by Wayne S. Carlson, Registered Land Surveyor; Floor Plans, Elevations and Framing Details, drawn by William J. Curren, Contractor; and photographs were submitted.

In a letter dated December 31, 1997, Joseph C. McCarthy, M.D., an orthopedic surgeon at New England Baptist Hospital, states that Mr. Osborn is significantly functionally disabled, and has been medically advised to have his home converted to wheelchair access; specifically

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to construct a covered ramp from his garage to his home which should be done as soon as possible.

On February 10, 1998, the Planning Board reviewed the petition and noted that the lot has an unusual shape which would likely prevent location of the garage to another part of the lot. The Planning Board has no objection to the granting of the request provided that the expansion remains one story and is not used for living space.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The existing property is conforming, while the proposed garage expansion will not conform to the current Zoning Bylaw.

It is the 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 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 8 foot by 24.5 foot garage expansion, 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 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.

cc: Planning Board
Inspector of Buildings
edg

Kendall P. Bates, Acting Chairman

William E. Polletta

Cynthia S. Hibbard

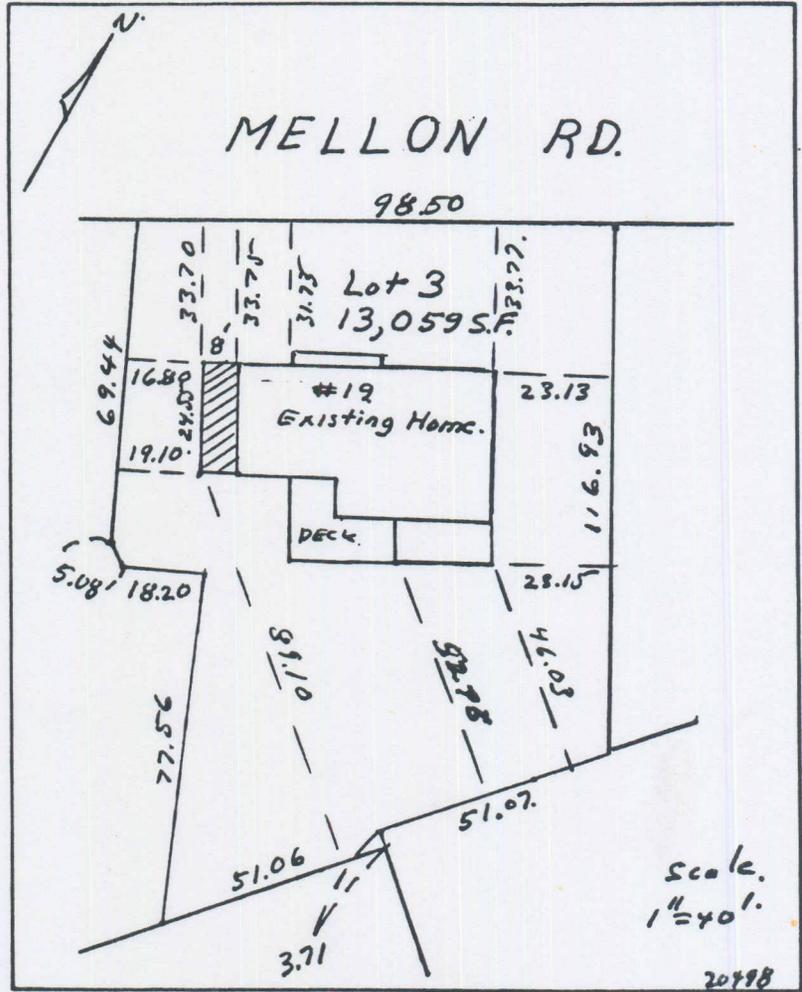
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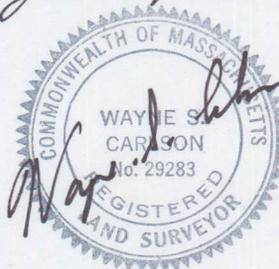
Z.B.A. PLAN

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PROPOSED CONSTRUCTION CERTIFIED PLOT PLAN



Jan 20, 1998



Wayne S. Carson 29283
Reg. Land Surveyor

115 UNION ST. Millis, MA.
Address

Coverage 13.6% BEFORE
15.1% AFTER