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WELLESLEY, MA 02181**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181 1998 FEB 12 A 10:46

JOHN A. DONOVAN  
KENDALL P. BATES  
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EXECUTIVE SECRETARY  
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ROBERT A. BASTILLE

ZBA 98-8

Petition of John F. and Dorothy M. Brown  
30 Washburn Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 29, 1998 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of JOHN F. AND DOROTHY M. BROWN 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 conforming one-car garage and construction of a handicap accessible 20 foot by 22 foot garage which will have less than the required left side yard setback, at their conforming dwelling at 30 WASHBURN AVENUE, in a Single Residence District.

On January 12, 1998, 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 Dorothy Brown, who said that she had come before the Board in November to explain the hardship they had in attempting to build a handicap accessible garage for her mother's van. They have to replace their existing garage due to drainage problems. As the existing garage must be repaired, it becomes difficult to plan construction on the other side of the house as well.

Mrs. Brown explained that originally, they had used the requirements for handicap accessibility in determining the width of the proposed garage. They had figured 8 feet for the van; 8 feet for the combination lift and turn around area; 4 feet for a ramp into the house; and 3 feet for door clearance, which totalled 24 feet. In measuring the actual van, she found it is 7.5 feet; the lift is 5 feet; and they will use 3 feet for the ramp and 3 feet for the door clearance. Rather than asking for a variance for a setback of 8.5 feet from the left side lot line, they are now asking for a 12.5 setback, which is in keeping with other homes on the street.

No other person present had any comment on the petition.

Statement of Facts

The subject dwelling is located at 30 Washburn Avenue, on a 14,074 square foot lot, in a Single Residence District. The house conforms to the current Zoning Bylaw.

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At the Public Hearing held on November 20, 1997, the petitioners requested a variance to allow demolition of their conforming one-car garage and construction of a 24 foot by 22 foot handicap accessible garage, which had a minimum left side yard clearance of 8.63 feet (ZBA 97-100). The petitioners chose to withdraw their petition without prejudice.

Presently, the petitioners are requesting a variance to allow demolition of their conforming one-car garage and construction of a 22 foot by 20 foot handicap accessible garage, which would have a minimum left side yard clearance of 12.62 feet.

A Plot Plan dated October 28, 1997, revised October 31, 1997, revised January 5, 1998, drawn by Ralph J. Bidbo, Registered Professional Land Surveyor; Floor Plans and Elevations dated 12/30/97, drawn by Carl C. Oldenburg, AIA; and photographs were submitted.

A letter in support of the petition was received from Mrs. Peter Godfrey, 34 Washburn Avenue.

On January 20, 1998, the Planning Board reviewed the petition and recommended maintaining the presently conforming side setback, believing that there are alternatives to provide the desired facilities without establishing this substantial new encroachment.

#### Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling presently conforms to the current Zoning Bylaw, but the addition of the 20 foot by 22 foot garage would render the dwelling nonconforming in regard to the left side lot line.

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

Therefore, the requested variance to demolish the existing garage and construct a 20 foot by 22 foot handicap accessible garage with a minimum left side yard clearance of 12.62 is granted, as voted unanimously by this Authority at the Public Hearing, 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.

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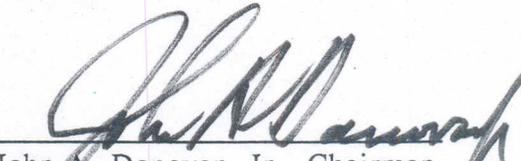
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If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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

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RECEIVED  
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January 5, 1998  
30 Washburn Avenue  
Wellesley, MA 02181

1998 JAN 12 A 11: 29

Zoning Board of Appeals  
525 Washington Street  
Wellesley, MA 02181

Dear Sir or Madam,

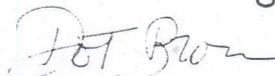
Please accept this packet of material in reapplication for a variance for construction at our house on Washburn Avenue. We are reapplying to show several ways that a variance is warranted and the specific measurements of the equipment to justify the size of our proposed variance. We have outlined our first attempts at building the needed garage in other parts of the yard in our earlier letter. We will summarize the changes to the original plan here.

1. We need a handicapped accessible garage to accommodate Dot's wheelchair-bound mother.
2. The proposed variance is now 12.5 feet from the boundary rather than 8.5 feet and will be adjacent to a backyard rather than a house.
3. The new garage has been reduced from 24 feet to 20 feet. The measurements that make the twenty feet required are 7.5 feet for the van, 5.5 feet for the lift, 3 feet for the van door, and 3 feet for the ramp. That adds up to 19 feet inside and 20 feet for the outside measurement. By using the specific measurements of the equipment, we were able to reduce the needed variance by 4 feet.

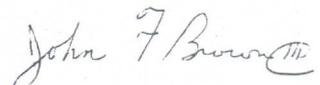
We originally used the standard requirements for handicapped accessibility: 8 feet for the van, 8 feet next to the van for lifts and turning, 3.5 feet for opening the door, and 4 feet for a ramp to lift 4 inches. That adds up to 23.5 feet or a 24 to 24.5 foot outside measurement. We have compromised on the space for opening the door and on the length of the ramp as well as used the specific measurements for the van and lift.

In summary, we need to expand our current tiny 1-car garage to accommodate wheelchair access as part of an addition for Dot's mother. We have looked at alternatives to move the garage and have found that they are either adversely affected by the topography and would result in extra expense to give wheelchair access, or would mean having to work on both sides of the house at considerable extra expense. We have minimized our request based on the actual equipment. Because the project would not abut another house anyway, we respectfully request that we be given a variance to build the addition as shown in the drawings.

Sincerely,



Dot M. Brown

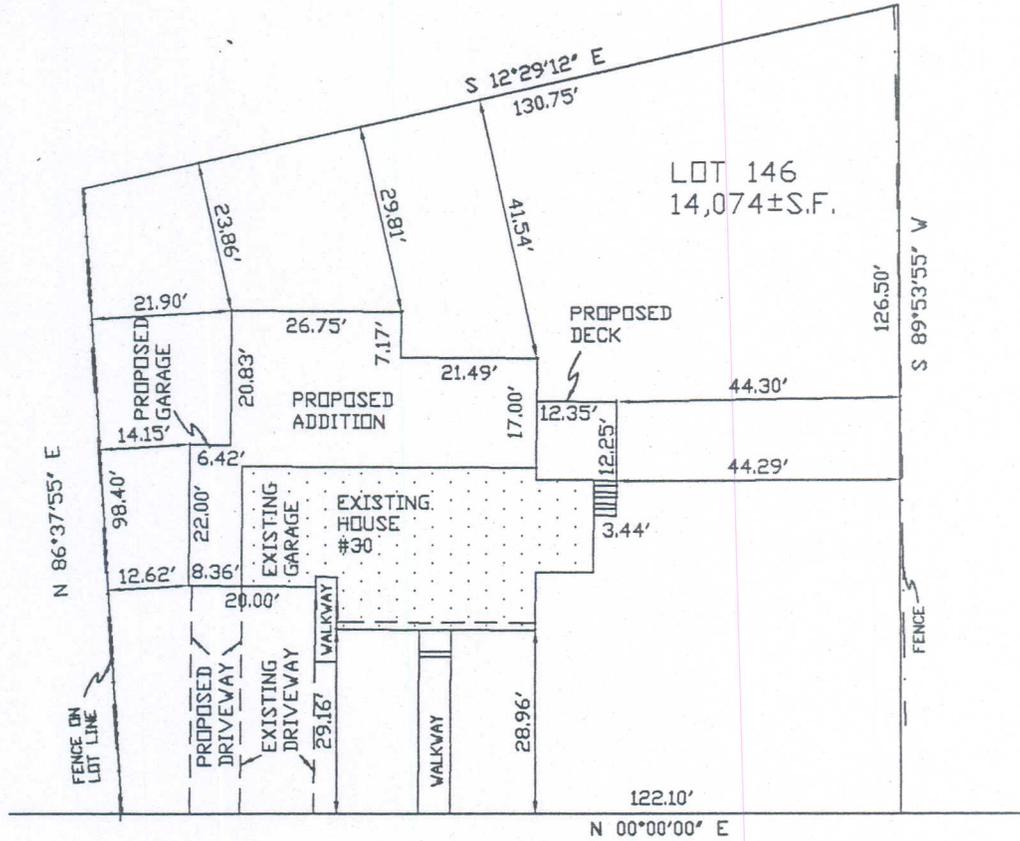


John F. Brown

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WASHBURN AVENUE



I HEREBY CERTIFY THAT THE EXISTING HOUSE SHOWN ON THIS PLOT PLAN IS AS LOCATED IN THE FIELD BY INSTRUMENT.

LOT COVERAGE

EXISTING HOUSE = 1,137±S.F.  
PROPOSED ADDITION = 1,187±S.F.  
PROPOSED DECK = 151±S.F.  
TOTAL LOT COVERAGE = 2,475±S.F. OR. 17.6%

PLAN REF: 7129A OF 6 - 11 - 27

PLAN OF LAND WELLESLEY, MA.

SHOWING PROPOSED ADDITION LOCATION

SCALE: 1" = 30'

D.S.C.S.

DATE: OCT. 28, 1997  
REVISED: OCT 31, 1997  
REVISED: JAN. 5, 1998

RALPH J. BIBBO REG. LAND SURVEYOR  
10 HAMMER STREET WALTHAM, MA.