



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

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK



ZBA 88-58
Petition of M. Elizabeth Williamson
9 Indian Springs Way

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, July 21, 1988 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley on the petition of M. ELIZABETH WILLIAMSON, requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow removal of an existing bicycle shed and construction of an attached garage approximately 22.13 feet by 20.9 feet at her non-conforming dwelling at 9 INDIAN SPRINGS WAY, in a Single Residence District, said garage to have less than the required right side yard.

Presenting the case was John Williamson who said that from the time the previous variance request had been denied, he has received approval from both the Board of Appeals and the Planning Board to submit a new request. The original garage encroachment has been reduced from 4 1/2 feet to 1 1/2 feet on the right side yard. The present garage will be extended 8 or 9 feet to accommodate a second car.

Mr. Williamson said that the house had been built in 1950. The Board noted that the house is non-conforming on the left side by several inches, and that in the event of future sale of the house, the purchaser's bank might require a variance to bring the property into conformance with the current Zoning Bylaw of the Town before the sale could be completed.

No persons present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 9 Indian Springs Way, in a Single Residence District, on a 22,665 square foot lot with a minimum left side yard clearance of 19.6 feet and a minimum right side yard clearance of 15.91 feet from the rear corner of the bicycle shed to the right side lot line.

The petitioner had submitted a request for a variance to construct an attached garage at the Public Hearing on November 19, 1987. The request for this variance was denied as the Board was of the opinion that the proposed encroachment of 4 1/2 feet was too great to be allowed as no "substantial hardship" existed. (ZBA 87-86)

ZBA 88-58
Petition of M. Elizabeth Williamson
9 Indian Springs Way

RECEIVED OFFICE
TOWN CLERK'S OFFICE
AUG 5 9 18 AM '88

According to Section XXIV-E 5 of the Zoning Bylaw:

- "No appeal, application, or petition which has been unfavorably and finally acted upon by the Permit Granting Authority shall be acted upon favorably within two years after date of final unfavorable action unless:
- a. Said Permit Granting Authority finds, by a unanimous vote of a three-member board, specific and material changes in the conditions upon which unfavorable action was based, and describes such changes in the record of its proceedings; and
 - b. All but one of the members of the Planning Board consents thereto; and
 - c. After notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered."

At a business meeting held on March 3, 1988, the Permit Granting Authority voted unanimously that there had been specific and material changes in the conditions on which its prior unfavorable action was based.

The Planning Board, on June 28, 1988, reviewed the request for a repetitive petition and voted 4 in favor and 1 abstention to approve the re-hearing of the petition before the Zoning Board of Appeals.

As the conditions required in Section XXIV-E 5 have been met, the petitioner is now requesting a variance to remove the existing bicycle shed and construct an attached garage approximately 22.13 feet by 20.9 feet leaving a right side yard of 18.5 feet.

A Plot Plan dated April 1, 1988, drawn by George N. Giunta, Registered Land Surveyor and unsigned construction sketches dated April 1, 1988 were submitted.

The Planning Board, on July 12, 1988, voted to offer no objection to the request.

Decision

This Authority has made a careful study of the evidence presented. The subject house does not conform to the present Zoning Bylaws as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the encroachment of 1.5 feet of the proposed garage is not severe enough to be disallowed.

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 to construct an attached garage subject to construction in accordance with the Plot Plan and construction drawings as submitted and noted in the Statement of Facts, said garage coming no closer than 18.5 feet from the right side lot line.

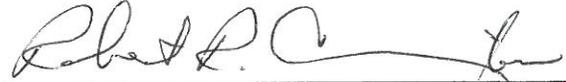
ZBA 88-58
Petition of M. Elizabeth Williamson
9 Indian Springs Way

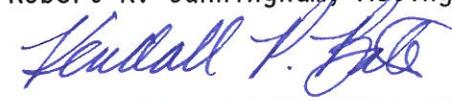
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

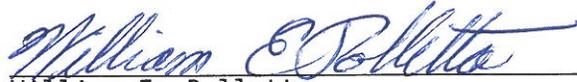
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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


Robert R. Cunningham, Acting Chairman

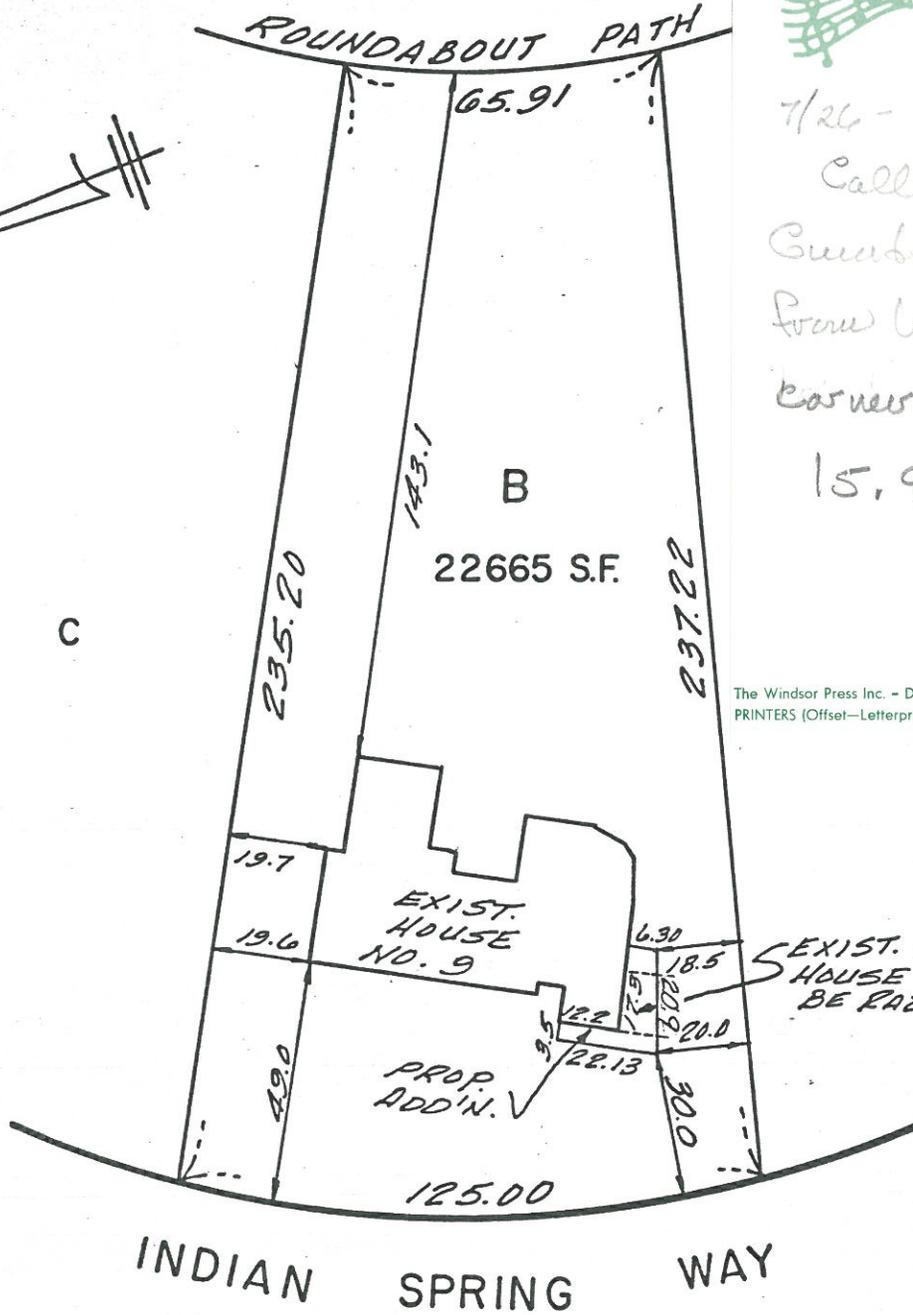

Kendall P. Bates


William E. Polletta

RECEIVED
TOWN CLERK'S OFFICE
AUG 5 9 18 AM '88



7/26 -
Called George
Cunha re distance
from bicycle shed rear
corner to lot line
15.91 feet



The Windsor Press Inc. - DeFazio Building - Wellesley Hills, Mass. - Windsorphone 235-0
PRINTERS (Offset-Letterpress) Since 1929 - Windsorphone 235-0265 - PRINTERS (Offse

RECEIVED
OWN CLERK'S OFFICE
JUL 5 11 17 AM '88

PLOT PLAN OF LAND
IN
WELLESLEY — MASS.

APR. 1, 1988 SCALE 1" = 40'
NEEDHAM SURVEY ASSOCIATES
76 NEHOIDEN ST.
NEEDHAM, MA.

