


 ZONING BOARD OF APPEALS
 TOWN HALL WELLESLEY, MA 02181

Nov 1 9 15 AM '88

 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 88-92
 Petition of Ralph and Sandra Donabed
 130 Washington Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, October 20, 1988 at 8 p.m. in the Great Hall of the Town Hall, 525 Washington Street, Wellesley on the petition of RALPH AND SANDRA DONABED requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow construction of a tool house approximately 6 feet by 16 feet at their non-conforming dwelling at 130 WASHINGTON STREET and the corner of BIRD HILL AVENUE, in a Single Residence District, said tool house to have less than the required front setback from BIRD HILL AVENUE; a variance is also requested from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow said dwelling to be brought into conformance with the current Zoning Bylaw of the Town as said dwelling has less than the required front setback from BIRD HILL AVENUE and less than the required left side yard.

On October 4, 1988, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case were Ralph and Sandra Donabed. Mr. Donabed said that the house was built in 1865 and is an historic landmark. Mr. Donabed explained that they do not have a garage and need storage space for outdoor equipment. The previous shed, which was attached to the rear of the house, was removed when it rotted. The basement is accessed through a steep flight of stone stairs. The land in the rear slopes severely. The house is on a corner lot which has frontage requirements on two sides. A tool shed can be placed six feet from a side line, but not from a front lot line. The frontage on Bird Hill Avenue, which is a dead end street and a private way, is completely screened by trees and fencing.

The Board stated that the shed would be visible in the winter as the screening was composed of deciduous trees. The Board recommended that the tool house be set back 10 feet from Bird Hill Avenue and that the planting be increased along Bird Hill Avenue to provide a thicker screen. The Donabeds agreed with these recommendations.

Gardner and Mary Jane Ertman, 8 Bird Hill Avenue, expressed favor with the petition. No other persons present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 130 Washington Street and the corner of Bird Hill Avenue, in a Single Residence District, on a 17,666 square foot lot with a minimum front yard setback from Bird Hill Avenue of 25 feet and a minimum left side yard clearance of 15 feet. The house was built in 1865 and is an historic landmark. Since 1962, the various owners have been granted Special Permits for the property to be used as a two-family dwelling.

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130 Washington Street

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The petitioners are requesting a variance to construct a tool shed approximately 6 feet by 16 feet, leaving a front setback of 8 feet from Bird Hill Avenue. A variance is also requested to allow the property with a minimum front yard setback of 25 feet from Bird Hill Avenue and a minimum left side yard of 15 feet to be brought into conformance with the current Zoning Bylaw of the Town.

A Plot Plan dated September 22, 1988, drawn by Albert A. Romano, Registered Land Surveyor; a construction sketch and elevation; and photographs were submitted.

The Planning Board, on October 5, 1988, voted to oppose the granting of the variance as it represents an unacceptable encroachment into the required street setback.

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 because of the shape of the lot, the location of the house on the lot which is a corner lot and the topography 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 is granted to construct a tool house at 130 Washington Street in accordance with the construction sketch submitted and noted in the foregoing Statement of Facts, and subject to the following conditions:

1. That the proposed tool shed be sited no closer than 10 feet from the front property line on Bird Hill Avenue.
2. That a revised plot plan showing the new placement of said tool shed be submitted to the office of the Board of Appeals prior to the granting of a building permit for construction.
3. That a 20 foot screen of evergreens be planted on the Bird Hill Avenue frontage, said evergreens to screen the 16 feet of the tool shed and to extend 2 feet beyond both ends of said tool shed

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

The requested variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw is also granted to allow the existing dwelling at 130 Washington Street at the corner of Bird Hill Avenue with a setback from Bird Hill Avenue of 25 feet and a left side yard of 15 feet as shown in plot plan detailed in the foregoing Statement of Facts.

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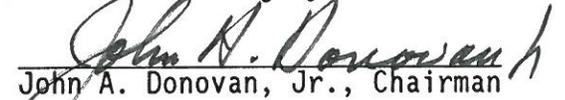
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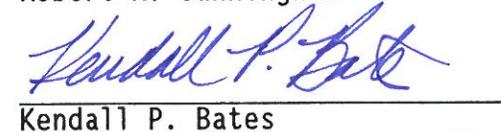
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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


John A. Donovan, Jr., Chairman


Robert R. Cunningham


Kendall P. Bates

WASHINGTON STREET (RTE 16)

115.00

OWNER & APPLICANT:
RALPH A. & SANDRA T. DONABED
130 WASHINGTON STREET

AREA
17,666 s.f.

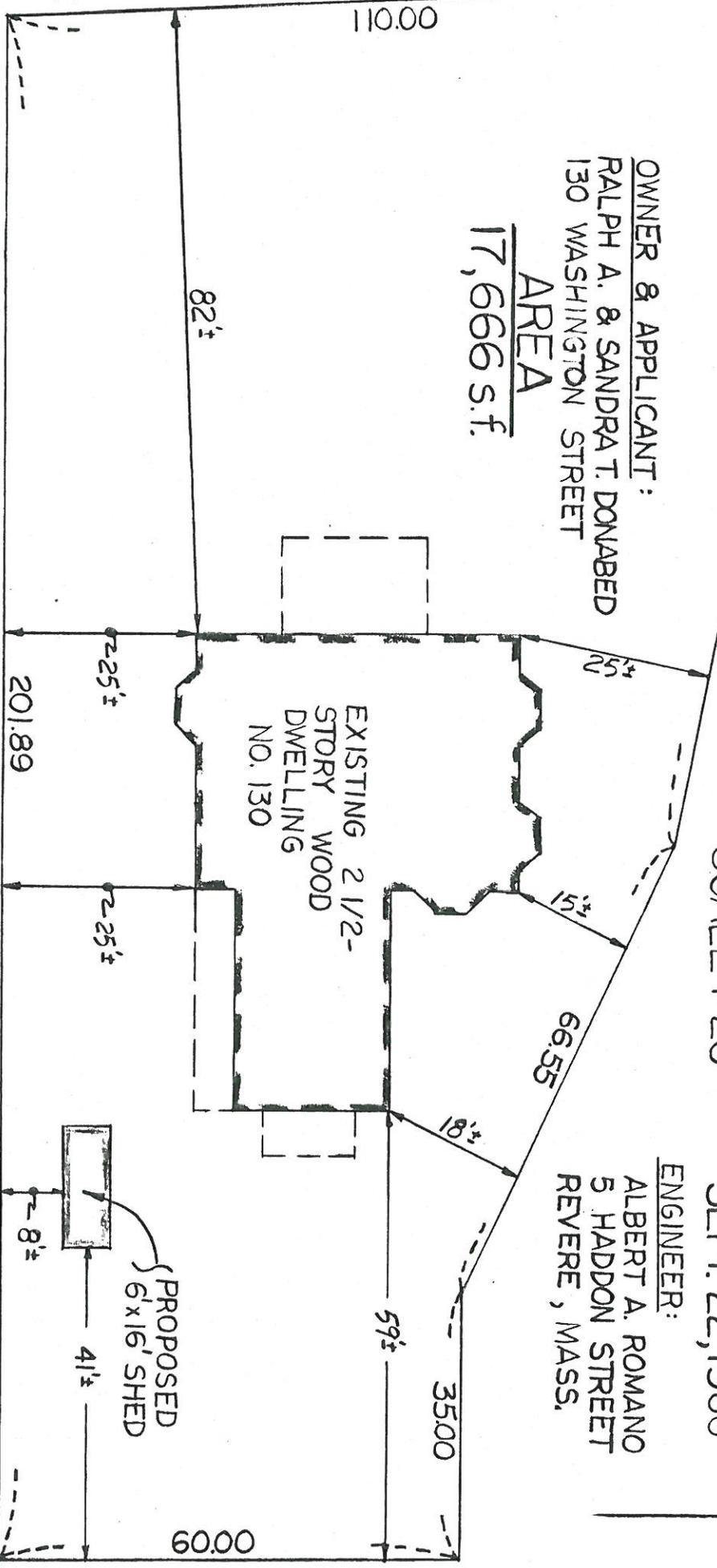


PLAN OF LAND

WELLESLEY, MASS.

SCALE: 1"=20'
SEPT. 22, 1988

ENGINEER:
ALBERT A. ROMANO
5 HADDON STREET
REVERE, MASS.



EXISTING 2 1/2-
STORY WOOD
DWELLING
NO. 130

PROPOSED
6' x 16' SHED

BIRD 9c 01 h 130

HILL

(30'-WIDE)

AVENUE

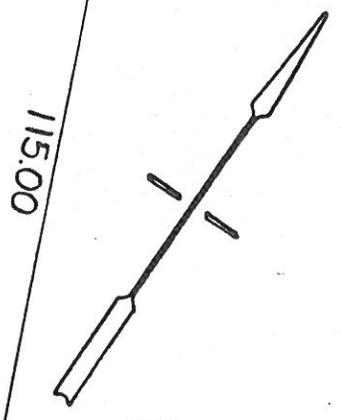
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WELLESLEY, MASS.

REFERENCE:
PLAN RECORDED IN THE
NORFOLK REG. OF DEEDS,
BK. 3889, PG. 570.

WASHINGTON STREET (RTE 16)

110.00

OWNER & APPLICANT:
RALPH A. & SANDRAT. DONABED
130 WASHINGTON STREET
AREA
17,666 s.f.



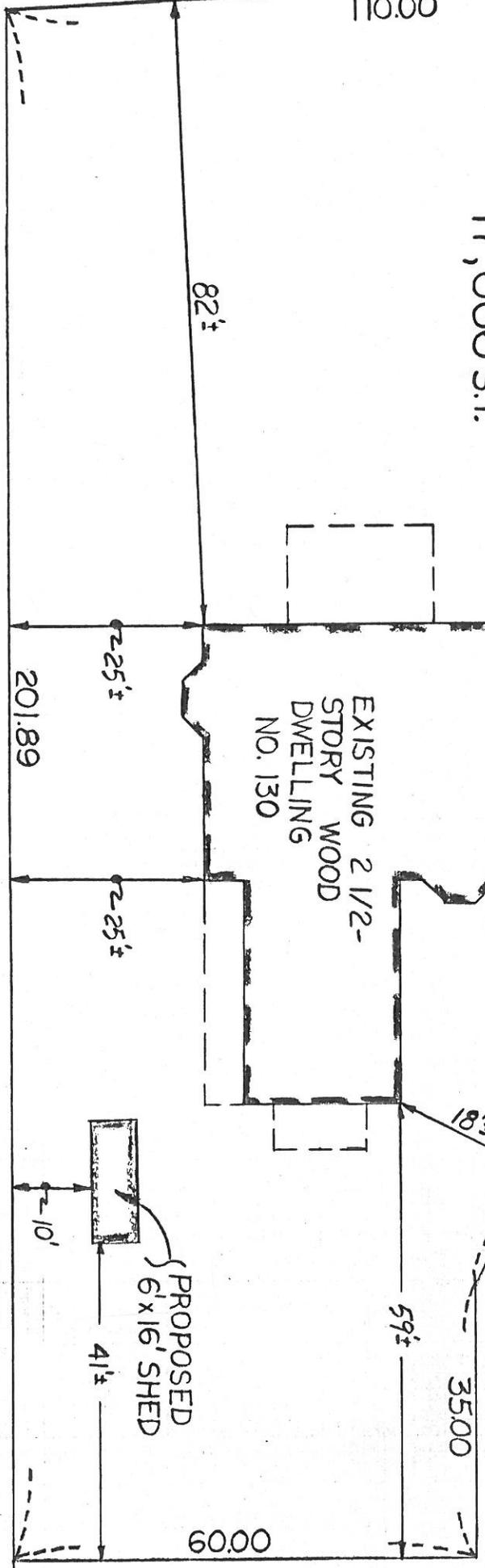
PLAN OF LAND
IN
WELLESLEY, MASS.
SCALE: 1"=20'
SEPT. 22, 1988

ENGINEER:
ALBERT A. ROMANO
5 HADDON STREET
REVERE, MASS.

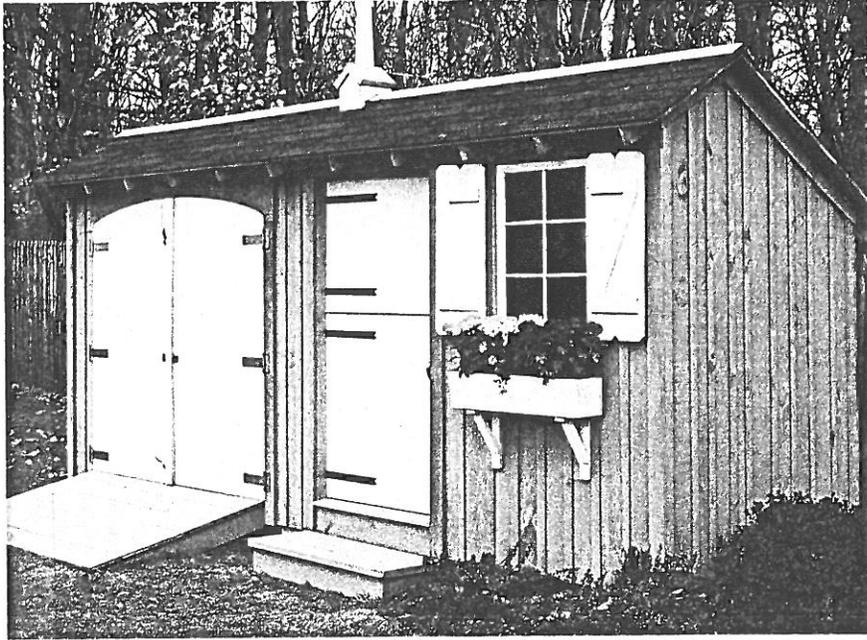
BIRD

HILL
(30'-WIDE)

AVENUE

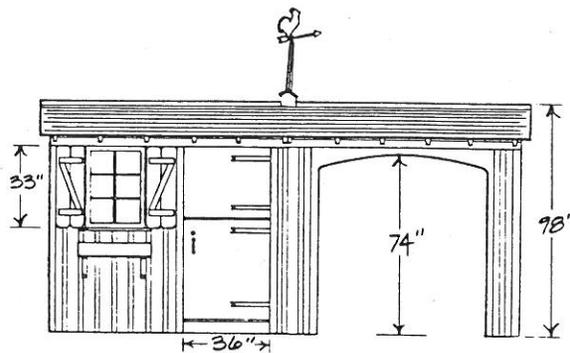
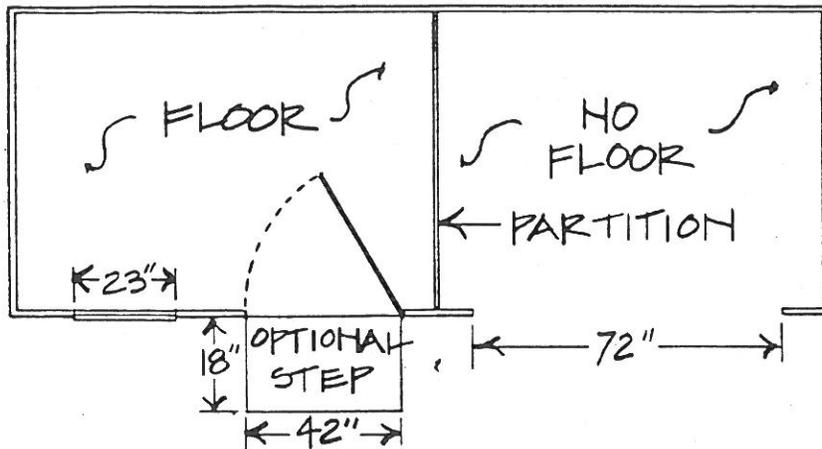


REFERENCE:
PLAN RECORDED IN THE
NORFOLK REG. OF DEEDS,
BK. 3889, PG. 570.



(photo is reversed)

6' x 16'



STANDARD BLDG.