



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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SEP 10 8 29 AM '92

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FRANKLIN P. PARKER
SUMNER H. BABCOCK
TOWN ENGINEER'S OFFICE
WELLESLEY, MA 02181

ZBA 92-43
Petition of Jon E. and Catherine F. Walsh
29 Patton Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, August 27, 1992 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 JON E. AND CATHERINE F. WALSH requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow completion of a partially constructed detached tool shed, approximately 18.2 feet by 9.8 feet (178.36 square feet), at the left rear corner of their property at 29 PATTON ROAD, in a Single Residence District. Said shed has been partially constructed without a building permit and has less than the required left side yard and rear yard setbacks, which are applicable as the shed has an area of over 100 square feet.

On August 10, 1992, the petitioners requested a hearing before this Board, and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Jon Walsh, who said that in 1977, he built a metal tool shed on a wooden platform for which he had been issued a building permit. As the shed had deteriorated, he demolished it, but left the platform, which served as the base for the newly constructed expanded shed. The additional space was necessary to store a snow blower, a rider mower and other equipment. He was not aware that a new building permit was required until the Building Inspector, responding to a complaint by an abutter, placed a Stop Order on the construction.

The Board asked why the shed had to have a height of 11 feet 3 inches. Mr. Walsh responded that the walls are 8 feet and the roof angle adds another 3 feet to the height. The shed will rise about 3 feet above his stockade fence. The shed sits on concrete blocks and does not have a permanent foundation.

Daniel O'Neill, 22 Patton Road, expressed support for the petition.

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Statement of Facts

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The subject property is located at 29 Patton Road, in a Single Residence District, on a 12,493 square foot lot, which contains a wood frame dwelling with less than the required left side yard clearance, as well as the tool shed under construction.

The petitioners are requesting a variance to complete a partially constructed tool shed, approximately 18.2 feet by 9.8 feet, located at the left rear corner of their property, with a minimum left side yard clearance of 4.9 feet and a minimum rear yard clearance of 6.3 feet. As the area of said tool shed is 178.36 square feet, it is in violation of Section XIX of the Zoning Bylaw, which states:

"The requirements for side and rear yards shall apply to all accessory buildings over one hundred square feet in area."

The setback for an accessory building with a total area of 100 square feet or less is governed by Section 302 of the Mass. State Building Code which requires a minimum setback of 6 feet from any property line.

A Plot Plan dated July 22, 1992, drawn by John P. Hurney, Registered Land Surveyor; construction sketches and elevations; and photographs were submitted.

Letters in support of the petition were received from Eleanor and Daniel Evans, 31 Hodges Avenue; Roger and Ann Hamilton, 25 Patton Road; Frederick and Marjorie Balboni, 26 Patton Road; Frank Tassinari, 30 Patton Road; and Robert and Diana Barron, 22 MacArthur Road.

On August 11, 1992, the Planning Board reviewed the petition, and voted, on a 2 to 1 vote, to offer no opposition to the requested variance if the structure had a minimum 6 foot setback from both the left side and rear property lines.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject tool shed in its present location does not conform to the Zoning Bylaw as noted in the foregoing Statement of Facts.

This Authority does not condone unauthorized construction without a building permit or required variances. It is the opinion of this Authority that although relief may be granted from the requirements of Section XIX of the Zoning Bylaw, compliance with the Mass. State

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Building Code shall be required.

Therefore, the requested variance is granted subject to the following conditions:

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1. The subject tool shed shall have a minimum setback of 6 feet from the left side lot line at all points.
2. An application for a Building Permit must be submitted to the Inspector of Buildings within 30 days after the date of grant of this variance.
3. Prior to the Final Inspection of said tool shed by the Building Department, a revised Plot Plan showing compliance with Condition One (1) shall be submitted to both the office of the Board of Appeals and the Building Department

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

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.


Kendall P. Bates, Acting Chairman


Robert R. Cunningham


Franklin P. Parker

cc: Planning Board
Inspector of Buildings
edg

31

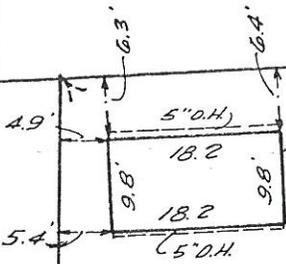
ROBERT E. & DIANA BARRON

30

29

89.19

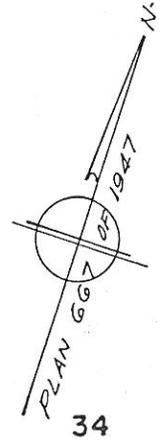
WOOD FRAME SHED UNDER CONSTRUCTION



LOT 33

12,493 SQ. FT.

(NORFOLK REGISTRY, PL. 667 OF 1947)



32

DANIEL S. & ELEANOR A. EVANS

133.46

19.6'

8" O.H.

14.1

3.8

24.6 G.A.R.

13.5

7" O.H.

17.4

WOOD FRAME DWELLING

NO. 29

24.8

10" O.H.

34.1

2.0

14.0

10" O.H.

20.5

38.1

21.5

WD. DECK

9.1

20" O.H.

36.2

137.22

RODGER G. & ANN M. HAMILTON

82.0

R=1890.00

D.H.C. Bd. (FND)

PATTON ROAD

WELLESLEY, MASS.

PLOT PLAN OF LAND IN

I CERTIFY THAT THESE BUILDINGS ARE LOCATED AS SHOWN.

BELONGING TO JON E. & CAROLYN F. WALSH

SCALE 1 IN. = 20 FT. JULY 22, 1992

J.P. HURNEY, REG. LAND SURVEYOR 200 CONCORD ST., NEWTON, MASS.



John P. Hurney
#8743

Aug 10 9 31 AM '92
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- GO. 42 TO P.C.
@ HODGES AVE.

D.H.C. Bd. (FND)

