TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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KENDALL P. BATES

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ZBA 94-15
Petition of Jerome B. and Gudrun M. Carr
17 Waban Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, March 24, 1994 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of JEROME B. AND GUDRUN M. CARR requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to demolish an existing two-car garage and construct a new detached one-story two-car garage, approximately 18 feet by 22 feet, with less than the required front setback from WESTON ROAD and less than the required right side yard setback at 17 WABAN STREET, in a Single Residence District and an Historical District.

On March 7, 1994, the petitioners requested 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 Jerome Carr, who said that their existing garage is sheet metal, built on slab with 1x1 foot posts which touch the ground. During one of the winter storms, the wind whipped one of the doors around, which started the collapse of the garage. The roof slid about 6 inches down the side of the garage, cracking the main beam. Currently, posts are holding the garage in place.

Mr. Carr said that the Historic District Commission has approved their plans. The roof will be rotated to lessen the visual impact on the street, and to provide better roof drainage. The Building Inspector has required a full 10 inch foundation. The garage is undersized. If the 10 inch footings are installed, the garage will not be wide enough to contain the car without the requested addition of 10 inches on each side.

Mr. Carr added that the Historic District had requested that the roof have a steeper pitch, that the roof color be changed from black to red, and that the exterior be made of wooden clapboards painted the exact color of the house.

The Board requested that the plot plan be revised to show only the exact dimensions and setbacks of the proposed construction.

William Moynihan, 9 Waban Street expressed support for the petition, as did Steve Velke, 7 Waban Street.

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Statement of Facts

The subject property is located at 17 Waban Street on a 6,874 square foot lot in a Single Residence District and an Historical District. The lot contains a wood frame dwelling and a detached garage approximately 16.2 feet by 20.3 feet, which has a minimum right yard clearance of 2.9 feet and a minimum front setback from Weston Road of 7.9 feet.

The petitioners are requesting a variance to demolish the existing nonconforming garage and construct a new detached garage approximately 18 feet by 22 feet which would have a minimum right side yard clearance of 2.9 feet and a minimum front setback of 5.8 feet from Weston Road.

A Plot Plan dated February 9, 1994, drawn by Sidney R. Vaughn, Professional Land Surveyor; Floor plans and Elevations dated January 31, 1994, drawn by Dott Construction; and photographs were submitted.

On March 8, 1994, the Historic District Commission reviewed the petition and issued a Certificate of Appropriateness with Conditions on March 10, 1994.

On March 15, 1994, the Planning Board reviewed the petition and voted to recommend granting the variance.

A letter of support dated March 16, 1994, was received from Sandra Carter, 14 Waban Street.

Decision

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

It is the opinion of this Authority that because of the shape of the lot, which resembles a scalene triangle, and the location of the garage near the apex of the triangle, 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 is granted subject to the following conditions:

1. A revised plot plan showing only the proposed garage footprint of 22 feet by 18 feet with the relevant setbacks shall be submitted to the office of the Board of Appeals prior to the issuance of any building permit.

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2. All conditions listed in the Certificate of Appropriateness issued by the Historic District Commission on March 10, 1994 shall be incorporated into this decision.

3. Construction of the garage must be in accordance with the revised plot plan to be submitted and the submitted construction sketches noted in the foregoing Statement of Facts.

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

If the rights authorized by a 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.

John A. Donovan, Jr., Chairman

Kendall P. Bates

William E. Polletta

cc: Planning Board
Inspector of Buildings
Jean N. Berry, Chairman,
Historic District Commission
edg

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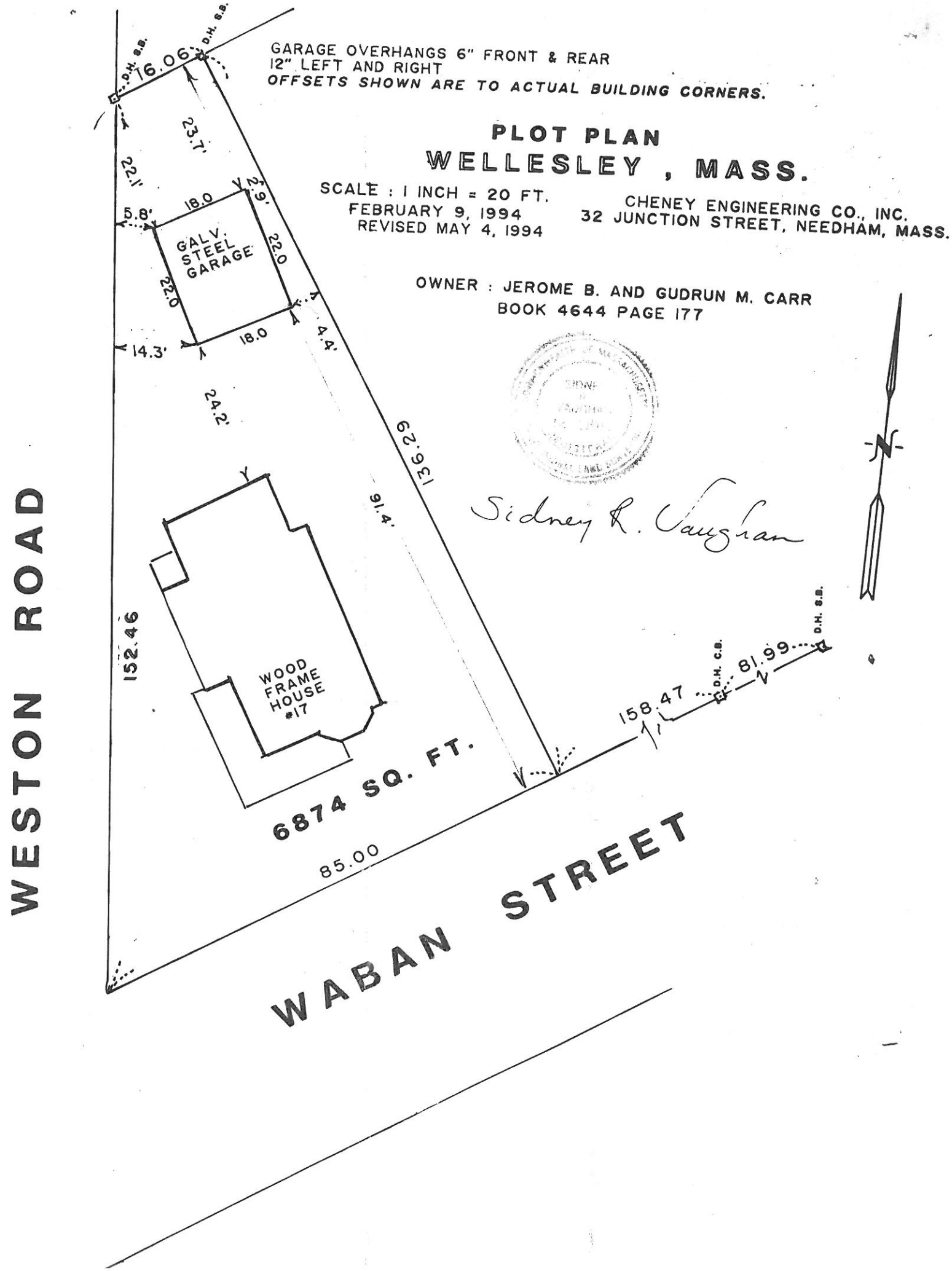
GARAGE OVERHANGS 6" FRONT & REAR
12" LEFT AND RIGHT
OFFSETS SHOWN ARE TO ACTUAL BUILDING CORNERS.
PLOT PLAN
WELLESLEY, MASS.
SCALE : 1 INCH = 20 FT.
FEBRUARY 9, 1994
REVISED MAY 4, 1994
CHENEY ENGINEERING CO., INC.
32 JUNCTION STREET, NEEDHAM, MASS.
OWNER : JEROME B. AND GUDRUN M. CARR
BOOK 4644 PAGE 177
Sidney R. Vaughan
WESTON ROAD
WABAN STREET
D.H. S.B.
16.06
23.7'
22.1'
18.0
2.9'
5.8'
GALV. STEEL GARAGE
22.0
22.0
18.0
14.3'
4.4'
24.2'
136.29
91.4'
152.46
WOOD FRAME HOUSE #17
6874 SQ. FT.
85.00
158.47
D.H. C.B.
81.99
D.H. S.B.
N