



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 94-31
Petition of Samir and Amita Bhatt
19 Shelley Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 26, 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 SAMIR AND AMITA BHATT requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of a one-story garage addition approximately 20 feet 4 inches by 6.1 feet with less than the required left side yard setback, at their dwelling at 19 SHELLEY ROAD, in a Single Residence District.

On May 9, 1994, 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 Samir Bhatt, who said that he would like to add a family room attached to the kitchen. In order to do this, he would like to extend the garage 6 feet forward. As the house is located on a pie-shaped lot, the addition will create a 3 1/2 square foot area of encroachment 14 inches from the left corner of the garage. The land on the left side of the property is heavily wooded, sloping steeply downhill and abuts a parking lot owned by Temple Beth Elohim.

Dr. Bhatt submitted photographs taken from the Temple parking lot showing the wooded hill and his home above the parking lot. The Temple has written a letter of support for his petition.

The Board noted the the Bhatt lot is composed of two parcels and suggested that Dr. Bhatt file a perimeter plan at the Norfolk Registry of Deeds to eliminate the internal lot line.

No other person present had any comment on the petition.

Statement of Facts

The subject dwelling is located at 19 Shelley Road on an 11,340 square foot lot, in a Single Residence District. The dwelling conforms to the Zoning Bylaw in regard to all of its setbacks.

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The petitioners are requesting a variance to construct a one-story garage extension approximately 20 feet 4 inches by 6.1 feet which will leave a minimum left side yard clearance of 18.87 feet. The left side yard clearance from the existing left corner of the dwelling is 20.53 feet.

A Plot Plan dated May 4, 1994, drawn by Jean Nysten, Registered Professional Land Surveyor; floor plans and elevations; and photographs were submitted.

Letters in support of the petition were received from Temple Beth Elohim, Mr. and Mrs. Raymond Reynolds, 16 Shelley Road; and Mr. and Mrs. Anthony Janiuck, 7 Shelley Road.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling would not conform to the current Zoning Bylaw if the proposed addition is constructed.

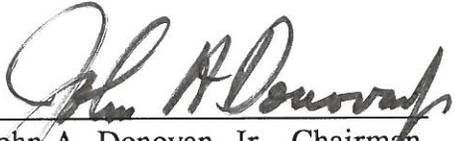
It is the opinion of this Authority that because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners, and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted to construct the garage addition subject to construction in accordance with the plot plan and construction sketches submitted as 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 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.

cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


Franklin P. Parker

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