



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

SEP 9 8 04 AM '94

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ZBA 94-58  
Petition of William G. and Janet C. Maynard  
53 Woodlawn Avenue

Pursuant to due notice, the Permit Granting and the Special Permit Granting Authority held a Public Hearing on Thursday, August 25, 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 WILLIAM G. AND JANET C. MAYNARD 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 addition approximately 19 feet by 14.3 feet with a porch approximately 3.5 feet by 7.2 feet, with less than the required front yard setback from SQUIRREL ROAD, at their nonconforming dwelling at 53 WOODLAWN AVENUE, with less than the required front setback from SQUIRREL ROAD, in a Single Residence District.

A Special Permit/Finding is requested pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the expansion of their nonconforming detached garage, with less than the required front setback from SQUIRREL ROAD, from 20.4 feet by 18.4 feet to 24.5 feet by 22.5 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 8, 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 were William and Janet Maynard. Mr. Maynard said that they would like to add a family room and eating area, which would be built in conjunction with a kitchen renovation. They would also like to demolish the existing garage and construct a new garage, which will have an expanded footprint, but will be no more nonconforming than the existing garage.

Mr. Maynard stated that the proposed addition would encroach an additional 1.9 feet into the front yard. The two conforming sides of the property have severe grades which restrict construction. If the addition were located at the rear of the house, there would not be sufficient distance from the garage. The garage cannot be moved toward the right side of the lot as the septic system is located on the far side of the garage. Mr. Maynard pointed out that several of the houses on Squirrel Road are closer to the road than the proposed addition would be.

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Mr. Maynard noted that his Squirrel Road lot line is actually between 17 and 22 feet from the paved roadway. His lot line is half way between the house and the street, which is a private way. The closest point of the addition is actually 30 feet from the paved street, although it is 13.5 feet from his front line. Until the plot plan had been drawn, he was not aware of the discrepancy between his lot line and the street line.

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The Maynards submitted a petition in support of the addition signed by all the abutters and a letter from Majorie Marks, their architect, indicating the design concerns involved in the project.

The Board noted that the Planning Board had recommended that the addition be kept in line with the existing house, which would mean the elimination of 1.9 feet. Mr. Maynard responded that the addition could not be reduced further and still provide the area for which it will be used.

The Board asked why the Maynards needed a larger garage. Mr. Maynard answered that they could park both cars in the garage, but the second person is unable to get out of the car. The existing wall on the house side will not move. The expansion will be to the right.

No other person present had any comment on the petition.

#### Statement of Facts

The subject nonconforming dwelling and nonconforming detached garage are located on a 19,475 square foot lot at 53 Woodlawn Avenue and Squirrel Road, in a Single Residence District. The nonconforming dwelling has a minimum front setback of 15.4 feet from Squirrel Road. The nonconforming garage has a minimum front setback of 27.1 feet from Squirrel Road.

The petitioners are requesting a variance to construct a one-story addition approximately 19 feet by 14.3 feet with a porch approximately 3.5 feet by 7.2 feet, which will have a minimum front yard clearance of 13.5 feet from Squirrel Road.

A Special Permit/Finding is also requested that the demolition of the existing nonconforming 20.4 foot by 18.4 foot garage and construction of a new 24.5 foot by 22.5 foot garage, with a minimum front yard clearance of 27.1 feet would not be more detrimental to the neighborhood than the existing nonconforming garage.

A Plot Plan dated July 20, 1994, drawn by James W. Chisholm, Registered Land Surveyor; Floor Plans and Elevations for the proposed addition dated November 15, 1993, drawn by Marjorie Marks, AIA; Floor plan and Elevations for the proposed garage dated June 15, 1994, drawn by William Maynard; and photographs were submitted.

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On August 18, 1994, the Planning Board reviewed the petition and voted to offer no objection to the granting of the request on the condition that the proposed addition does not encroach further than the existing setback.

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Decision

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

It is the opinion of this Authority that due to the topography and 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 one-story addition and porch in conformance with the plot plan and construction drawings as submitted.

It is the opinion of this Authority that the expansion of the nonconforming garage will not intensify the existing nonconformity or create additional nonconformities as the additional 4.1 feet both at the rear and the right side of the garage will conform to the current Zoning Bylaw.

Therefore, a Special Permit is hereby granted to construct a one-story garage in conformance with the plot plan and construction drawings as submitted.

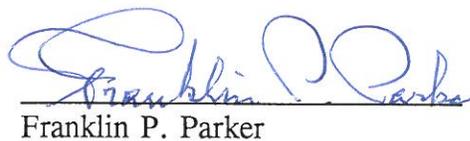
The Inspector of Buildings is hereby authorized to issue a permit for construction of the addition and garage upon receipt and approval of a building application and detailed construction plans for both projects.

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  
edg Inspector of Buildings

  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

  
Franklin P. Parker

**Zoning Board of Appeals**  
**Addendum to Application for Variance**  
**Property: 53 Woodlawn Avenue**  
**Petitioners: William G. Maynard & Janet C. Maynard**

The change in structures shall consist of :

1. Construction of a one story "family room" addition on the North West side, at the Northerly corner of the nonconforming dwelling of approximately 19'0" X 14'4". Said addition will have less than the required set back.
2. Demolition of existing detached, nonconforming two car garage, and construction of a new two car garage approximately 22'6" X 24'6". Said garage will have less than the required set back.

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HOUSE AND GARAGE FRONT YARD SETBACKS ON SQUIRREL ROAD

HOUSE #5 RIGHT FRONT HOUSE COR.	15.1'
LEFT " " "	15.4'
RIGHT FRONT GARAGE COR.	0.9'
LEFT " " "	0.8'
HOUSE #15 RIGHT FRONT HOUSE COR.	20.3'
LEFT " " "	25.3'



SQUIRREL ROAD

N/F  
ELIYESIL & JOAN  
MEHMET CAN

N/F  
COCHITUATE  
AQUEDUCT  
(M.D.C)

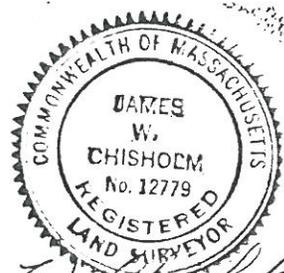
NOTES

- ① THIS PLAN IS NOT TO BE RECORDED OR USED TO ESTABLISH PROPERTY LINES.
- ② SPECIAL FLOOD HAZARD AREA IS NOT APPLICABLE AS DILINERATED ON FEMA MAP 250255 0056 DATED 9/5/79.

" BASED ON AN INSTRUMENT SURVEY, I CERTIFY THAT THE EXISTING HOUSE AND GARAGE IS LOCATED AS SHOWN."

WOODLAWN AVE

PREPARED FOR: WILLIAM & JANET MAYNARD



*James W. Chisholm*  
T.L.S. DATE 7/20/94

PLOT PLAN OF LAND  
IN  
WELLESLEY, MASS.

SCALE: 1" = 40' FEET DATE: JULY 20, 1994

**THE JILLSON COMPANY, INC.**  
P.O. BOX 2135 • FRAMINGHAM, MASSACHUSETTS 01701  
(508) 877-9016 • (508) 877-9684

