



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
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ZBA 94-8

Petition of Eileen J. Hanafin and Gerald V. Hanafin
51 Boulder Brook Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, February 24, 1994 at 8:00 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of EILEEN J. HANAFIN AND GERALD V. HANAFIN 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 garage expansion approximately 12 feet by 20 feet, which would leave less than the required left side yard, at their dwelling at 51 BOULDER BROOK ROAD, in a Single Residence District.

On February 7, 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 Tom Hannon, of R.O. Porter Construction Company. Mr. Hannon was representing the Hanafins, who were in Florida on legal business. Mr. Hannon said that Ms. Hanafin is requesting a variance from the left side line to expand her undersized 11 foot garage. She would like to extend the garage by 12 feet to accommodate a full two-bay garage. There are two-car garages on the properties at both 43 and 59 Boulder Brook Road. Both garages are nonconforming and are closer to the side lines than the proposed location of the Hanafin garage. Although there is a future consideration for resale, the prime motivation for the request at this time is for safety and convenience.

John McKean, son of the property owners, Dorothy and John McKean, 55 Boulder Brook Road, the left side abutters, expressed strong opposition to the petition. He said that if the garage were to be constructed, the expansion would decrease the value of his parents' home. He stated that of the 26 homes on Boulder Brook Road, only two have two-car garages.

The Board asked what hardship is involved. Mr. Hannon said that the hardship related to the Hanafins' physical condition, making backing into and exiting a car in an 11 foot garage very difficult, as well as the problem of snow removal from the car stored outside.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 51 Boulder Brook Road, on a 10,194 square foot lot, in a Single Residence District, and presently has a conforming left side yard setback of 25.1 feet.

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The petitioners are requesting a variance to construct a garage expansion approximately 12 feet by 20 feet, which would leave a minimum left side yard clearance of 13.1 feet.

A Plot Plan dated December 13, 1993, drawn by George N. Giunta, Registered Land Surveyor; Floor plans and Elevations dated January, 1994, drawn by Wellesley Design Service; and photographs were submitted.

A letter in support of the petition was received from Clinton Mills, 56 Boulder Brook Road. A letter in opposition to the petition was received from Dorothy and John McKean, 55 Boulder Brook Road.

On February 15, 1994, the Planning Board reviewed the petition, and due to a split vote with four members present, no recommendation was offered.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

Variations may only be granted by the Permit Granting Authority once they have found any or all of the following (Section XXIV-D 1. as quoted from the Zoning Bylaw):

- "1.
 - a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to: i) soil conditions, ii) shape, or iii) topography of such land or structures, especially affecting such land or structures but not generally affecting the zoning district in which it is located; and the hardship shall not have been self-created; and
 - b. Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw."

This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D of the Zoning Bylaw.

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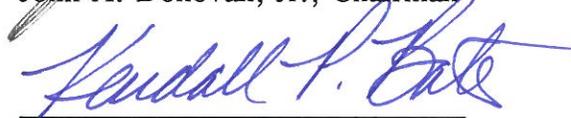
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Therefore, it is the unanimous decision of this Authority that this request for a variance be denied, and this petition is dismissed.

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.

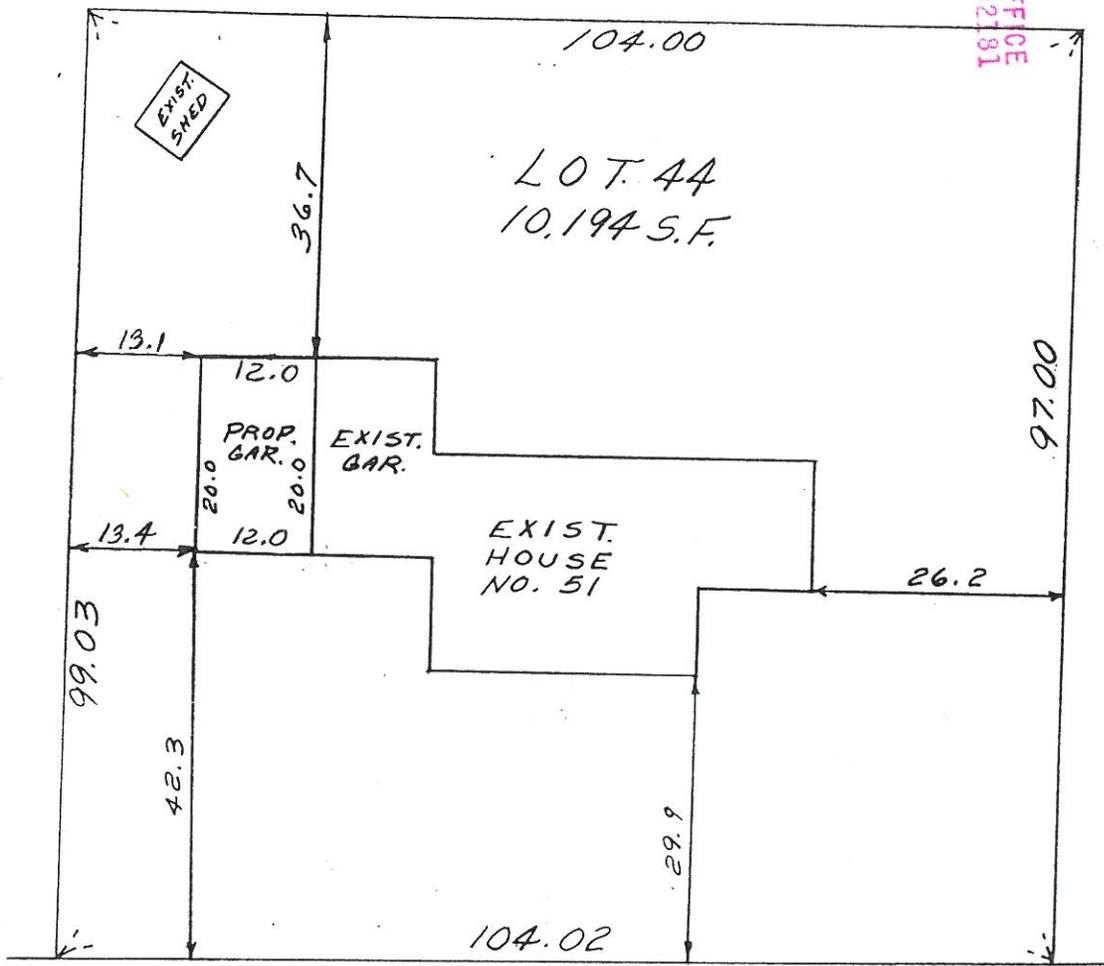
cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


William E. Polletta

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FEB 7 9 55 AM '94



BOULDER BROOK RD.

PLOT PLAN OF LAND
IN
WELLESLEY — MASS.

DEC. 13, 1993 SCALE 1" = 20'
NEEDHAM SURVEY ASSOCIATES, INC.
281 CHESTNUT ST
NEEDHAM, MASS.

