

## City of Newton

### Petition to the Zoning Board for Variance

1. **Date of filing:** May 19, 2008
2. **Applicants:** Edward Zielinski and Elizabeth Hines  
128 Gibbs Street  
Newton MA 02459  
617-527-4158 (daytime and evening)
3. **Property Address:** 128 Gibbs Street, Newton MA, 02459
4. **Property Use:** Single family home
5. **VariANCES Requested:**
  - a. 30-15 Table 1, Insufficient Setbacks; requesting relief for 2.3 feet from side yard setback requirement

#### 6. **Soil, shape, topography, structures:**

The house is on the south side of Gibbs Street, with an existing parking apron on the north side of the property. The house has a connected one car garage and a 20' x 32' paved apron in front of the garage. There is an additional 12' x 18' parking area on the west side of the garage where the proposed structure would be constructed. The proposed structure, an 11.2' X 13.8' roof trellis structure, would provide a covered parking area that is adjacent to the house for safety and would provide some shelter from snowfall to help manage the current snow removal problems.

#### 7. **Hardship with respect to the property:**

The lack of a second secure parking space away from the street has become a hardship. Since we moved into the house in December of 2006 we have had small items stolen from cars by thieves, and we are increasingly uncomfortable with leaving our cars or anything else close to the street. We would prefer to park our second vehicle in a covered space further away from the dark street where our lights on motion sensors can effectively deter vandals or thieves.

The second hardship relates to snow removal. The property to the west has a large paved parking area of approx. 24' x 40' and both owners use snow blowers to control snow accumulation. With a large contiguous area of both driveways, snow accumulation is very difficult to remove without infringing on each other's property. Depending on what cars need to be moved and what way the wind is blowing, it's almost impossible to remove snow without sending a portion of it on the other driveway or yard. Providing a second covered parking space would alleviate some of the snow removal problems

Regarding the setback from the adjacent property, the proposed structure could hypothetically be built within the 7.5 foot setback line but would be very narrow for an automobile and pose a safety hazard for people parking, entering and exiting the vehicle. The structure has been carefully designed to look like a decorative trellis from the street and is architecturally consistent with the extensive whole house renovation completed in December of 2006. It does not have walls and will not add to the massing of the house. Thus we request 2.3' of relief from the current 7.5' side yard setback.

**8. Facts Relied to support a finding that relief sought will not create a:**

**a. Substantial detriment to the public good**

The neighborhood is composed of single family period homes. We have designed the proposed trellis structure in such a way that the language and detailing of the exterior is contextual with the house, including corbelled sub beams and tapered columns to match the details on the house. There are no windows on the east side of the adjacent property so the proposed structure will not change sight lines or create additional shadows. The simple massing with columns in lieu of walls will have minimal impact on the neighborhood views.

**b. Will not derogate from the intent or purpose of the zoning ordinance**

The zoning ordinance for the setbacks is presumably in place in order to allow room for lawns and landscaping between houses. Our request will not reduce the amount of green space in the area, will not add any paved area, will not affect views or sight lines, and will improve the character of the general driveway area.

**9. Description and Character of the Neighborhood**

The neighborhood is a lovely group of period and eclectic homes, many of which have one or two car garages. Some of the garages are attached, some are detached, and several garages appear to be closer than 5 feet to the property lines. We invested heavily to improve this property from a very pedestrian ranch style house to an arts and crafts style home that has drawn praise from many neighbors as a great improvement to the neighborhood. We believe this request is consistent with will further enhance the curb appeal of the home.

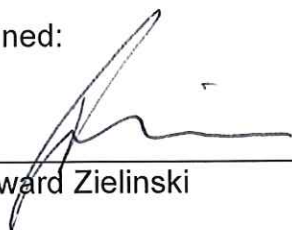
**10. Legal Interest of the applicant:** Owners

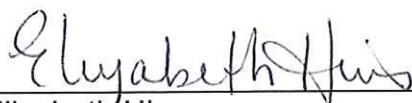
**11. Date of Acquisition:** 11/8/2005

**12. Name of Former Owners:** Lawrence Jennings

**13. Status of Owner with respect to contiguous property:** None

Signed:

  
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Edward Zielinski

  
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Elizabeth Hines