



CITY OF NEWTON, MASSACHUSETTS

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ZONING BOARD OF APPEALS

Pamela D. Hough, Board Secretary

#25-98

Detailed Record of Proceeding and Decision

AKA FREDERICK MARK D'ANNOLFO

Petition of F. Mark and Marguerite D'Annolfo of 95 Suffolk Road, Chestnut Hill, MA.

Bk 22735 Pg 231

For a variance from the five foot setback requirement for accessory structures to construct a detached two car garage for an existing single family dwelling.

The Zoning Board of Appeals for the City of Newton held a public hearing on the above entitled proceeding on Tuesday, September 22, 1998 at 6:30 p.m. in the Aldermanic Chambers at City Hall, Newton, Massachusetts.

The following members of the Board were present:

- Anthony Summers, Acting Chairman
- Edna Travis
- Robert Corbett
- Catherine Clement
- John Kaitz

The petition was filed on August 17, 1998.

Due notice of the hearing was given by mail, postage prepaid, to all persons deemed to be affected thereby as shown on the most recent tax list and by publication in the News Tribune, a newspaper of general circulation in Newton, Massachusetts.

Accompanying the petition were plans entitled "Plan of Land to Accompany the Petition of Marguerite Dannolfo" dated August 13, 1998 by Bruce Bradford, Land Surveyor, Everett M. Brooks Company, 49 Lexington Street, West Newton, MA., and, floor and facade plans entitled "Mark & Marquerite Dannolfo, Garage", dated June 2, 1998 by Hans D. Strauch & Associates, Architects, 60 Birmingham Parkway, Brighton, MA.

4 True Copy
Attest
[Signature]

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CITY CLERK
NEWTON, MA. 02159

FACTS:

The petitioners represented themselves.

The subject site is located at 95 Suffolk Road, Chestnut Hill MA, Ward 6, Section 63, Block 25, Lot 12 containing approximately 11,178 square feet in a Single Residence 1 District.

The petitioner requested a variance of 1' from wall of the garage to the sideyard setback requirement for accessory structures as required by Section 30-15(m), to construct a 1 1/2 story, two car garage. The plans depict a 20'X 22' footprint and the architectural plans depict an additional 1' overhang within the setback, which is allowed by Section 30-15(e).

The petitioner stated that the rear of the lot contains a steep slope and rock outcrop combined with the lot configuration limits any other possible location for the garage. The petitioner stated that a hardship exists in that the location of the house, the steep topography, the narrow lot and rock outcrop all create a hardship for the petitioner.

A letter in favor was submitted by the Chestnut Hill historic District Commission which voted 4 in favor and 3 opposed to issue a Certificate of Appropriateness on May 21, 1998.

Mr. & Ms. Vineyard of 39 Kingsbury Road spoke about a concern for screening the garage from their property.

No one spoke in opposition.

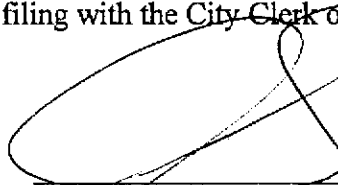
FINDINGS AND DETERMINATION

1. The site is unique due to its narrow lot width, severe topography, and the existence of rock outcrops.
2. A hardship exists in that the site's existing structure, narrow lot configuration, large rock outcrops, and topography limit alternative locations of the proposed detached garage.
3. No substantial detriment to the public would occur since the garage would be in conformity with the neighborhood.
4. Granting the variance would not derogate from the spirit and intent of the Zoning Ordinance in that the departure from the Zoning Ordinance requirement would not change the character of the surrounding area.

Area Copy
Attest
Edward J. English

Accordingly, a motion was made by Mr. Corbett, and duly seconded by Mr. Kaitz to grant the petition, which motion passed, five in favor and none opposed. Therefore, the variance is granted subject to the following conditions:

1. That the garage addition be constructed consistent with the submitted plans.
2. That the Planning and Development Department review and approve a year round landscape screening plan for the garage.
3. That this variance must be exercised within one year from the date of its filing with the City Clerk or the variance lapses.
4. That this variance must be recorded with the Middlesex Registry of Deeds within one year from the date of its filing with the City Clerk or the variance lapses.



Anthony Summers, Acting Chairman

AYES:

Anthony Summers
Edna Travis
Robert Corbett
Catherine Clement
John Kaitz

Copies of this decision and all plans referred to in this decision have been filed with the Planning and Development Board and the City Clerk.

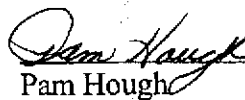
The decision was filed with the City Clerk on 10-6-98

The City Clerk certified that all statutory requirements for the issuance of this VARIANCE have been complied with and that 20 days have lapsed since the date of filing of this decision and no appeal, pursuant to Section #17, Chapter 40A has been filed.



Edward English, City Clerk

I, Pam Hough, am the Clerk of the Zoning Board of Appeals and the Keeper of its records. This is a true copy of its decision.



Pam Hough

