

TOWN OF WELLESLEY



BOARD OF APPEAL

RICHARD O. ALDRICH
DANA T. LOWELL
F. LESTER FRASER

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Benjamin E. Bierbaum and
Elizabeth H. Bierbaum

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:20 p.m. on January 30, 1969, on the petition of Benjamin E. Bierbaum and Elizabeth H. Bierbaum, requesting a special exception and variance from the terms of Section XIX of the Zoning By-law which would permit the dwelling owned by them at 24 Elmwood Road to remain in its present location with a side yard less than the required twenty feet. Said request is made under the provisions of Chapter 40A, Section 15, of the General Laws.

On January 13, 1969, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Henry D. White, Attorney, represented the petitioners at the hearing.

Pete Knights, 27 Elmwood Road, spoke in favor of the request.

Statement of Facts

The dwelling involved, which was built in 1941, on a lot containing 10,000 square feet, is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The petitioners seek permission which will allow the dwelling involved to remain in its present location 16.2' from the side lot line rather than twenty feet as required by Section XIX of the Zoning By-law. The house is now being sold and the bank engineers have checked the location of the dwelling and have revealed the slight violation.

A plot plan was submitted, drawn by Joseph Selwyn, Civil Engineer, Belmont, dated December 12, 1968, which showed the lot involved and the house thereon.

Decision

The lot involved was not held under separate ownership from adjacent land on April 1, 1940, and for that reason the Board cannot grant the requested variance under the terms of Section XIX of the Zoning By-law. It has, however, considered the request under the provisions of Chapter 40A, Section 15, of the General Laws.

It is the opinion of this Board that the violation of the setback from the side boundary line was due to error and that the correction of this violation would result in manifest injustice to the petitioners. It is the further opinion of this Board that the requested relief may be granted without derogating from the intent or purpose of the by-law and without substantial detriment to the public good.

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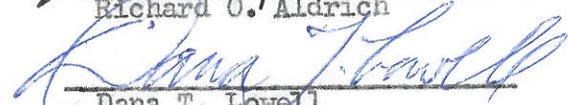
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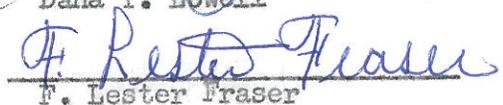
Accordingly, the requested variance is authorized and granted under the provisions of Chapter 40A, Section 15, of the General Laws, and the dwelling involved may remain in its location as shown on the plan submitted and on file with this Board.



Richard O. Aldrich

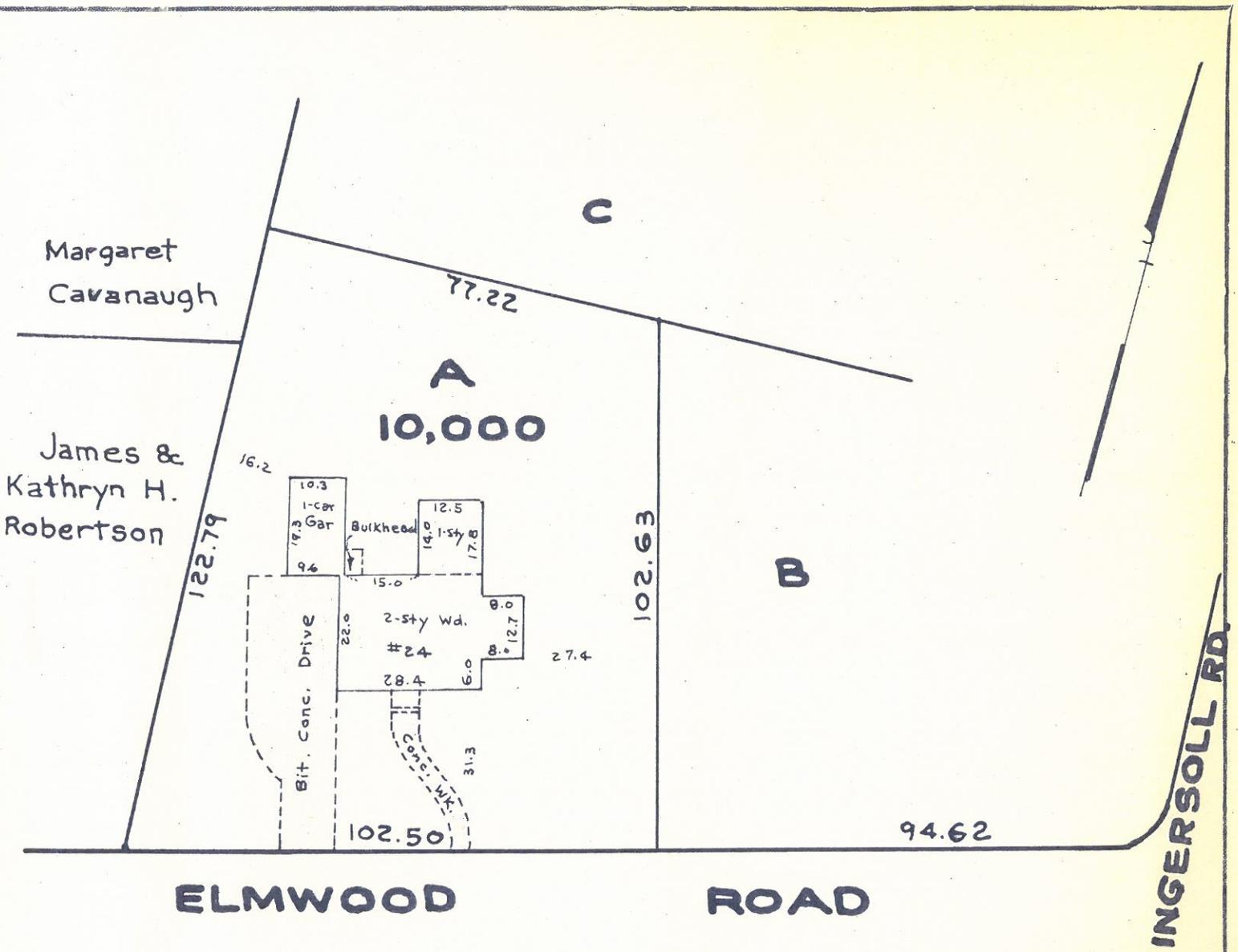


Dana T. Lowell



F. Lester Fraser

Filed with Town Clerk _____



MORTGAGE SURVEY PLAN

Location **WELLESLEY**

Scale 1 in. = 30 ft. Date Dec. 12, 1968

Plan reference: Being lot A on a plan by Gleason Engineering Company, dated September 10, 1940. Recorded in Norfolk Registry of Deeds Book 2318, Pg. 363

JOSEPH SELWYN, Civil Engineer
14 Linden Avenue, Belmont

I hereby certify that the building shown on this plan is located on the ground as shown thereon,

Wellesley

This plot plan was not made from an instrument survey and is drawn for the use of the mortgagee, for mortgage purposes only.