69-60

TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Robert S. and Katharine M. Freeman

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 8:05 p.m. on October 30, 1969, on the petition of Robert S. and Katharine M. Freeman, requesting a special exception or variance from the terms of Section XIX of the Zoning By-law which would permit the dwelling owned by them at 119 Mayo Road to remain in its present location with a side yard less than the required thirty feet. Said request was made under the provisions of Section XIX of the Zoning By-law and Chapter 40A, Section 15, of the General Laws.

On October 1, 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 for the petitioners spoke in support of the petition at the hearing.

Robert A. Bastille, 116 Mayo Road, spoke in favor of the request.

Statement of Facts

The dwelling involved, which was built in 1950, on a lot of 10,005 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 28.7' from Colby Road at the nearest point rather than thirty feet as required by Section XIX of the Zoning By-law.

It was stated that the house has been occupied since it was built in 1950, and it was not until the petitioners purchased the property that the slight error was revealed. It was alleged that undue hardship would result to the owners if they were required to remove a portion of the house. The attached garage, which is the portion of the house involved, is very small now and to cut it down would result in having a garage which would be unusable.

A plot plan was submitted, drawn by E. N. Brooks Co., C. E., Newtonville, Mass., which showed the lot involved with the house thereon.

Decision

It is the opinion of this Board that the violation of the set-back from the side boundary line of Colby Road was due to error and that the correction of this violation would result in undue hardship 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.

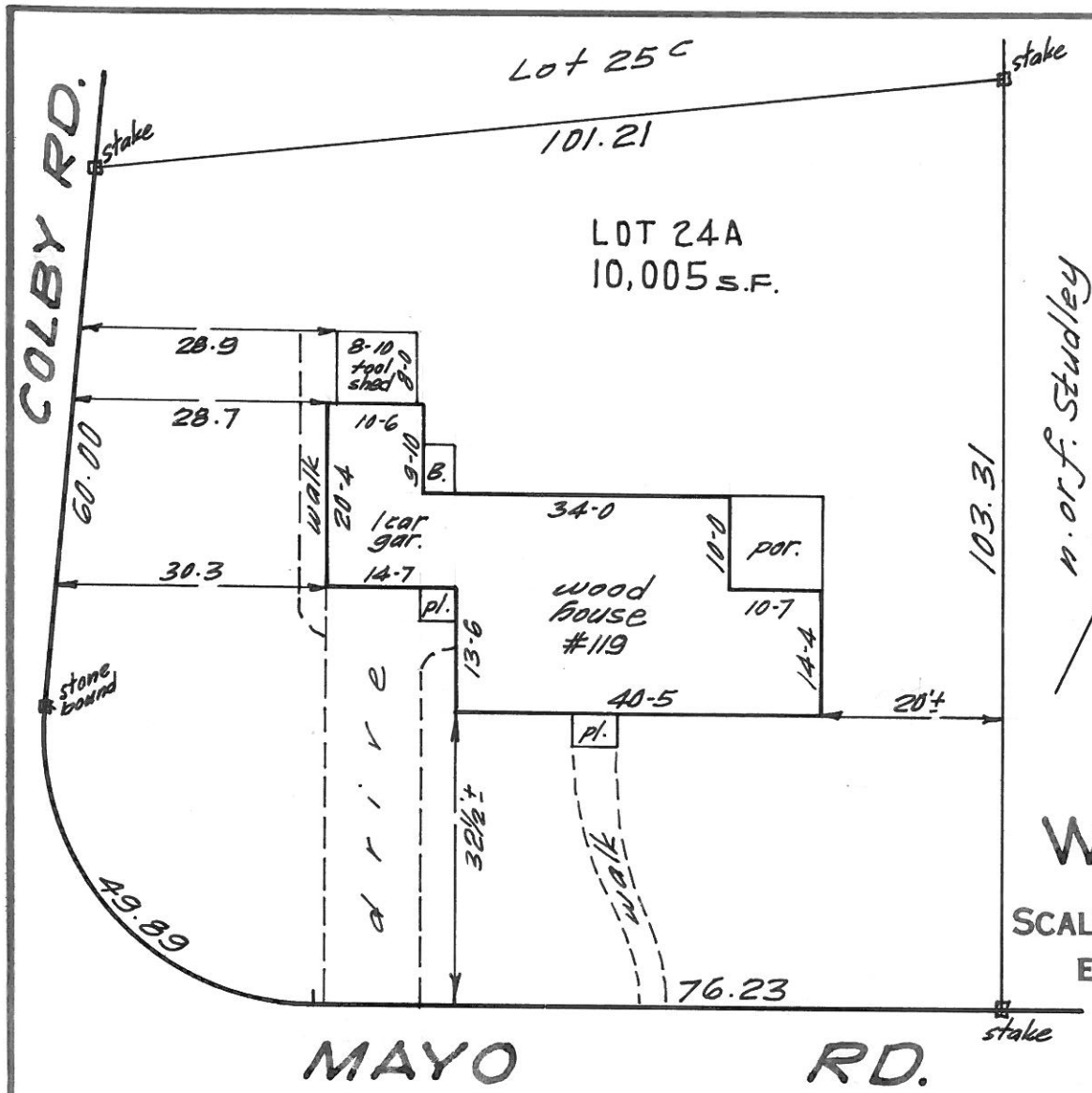
Accordingly, the requested variance is authorized and granted under the provisions of Chapter 40A, Section 15, of the General Laws and the dwelling involved may remain in its location as shown on the plan submitted and on file with this Board.

Richard C. Aldrich

Dana T. Lowell

F. Lester Fraser

Filed with Town Clerk _____



Lot designations refer to
Norfolk Registry of Deeds
Book 4045 Page 224
Plan By Gleason Eng. Co.
Dated Jan. 7, 1963

THIS PLOT PLAN WAS NOT MADE FROM AN INSTRUMENT SURVEY AND IS FOR THE USE OF THE BANK ONLY. UNDER NO CIRCUMSTANCES ARE OFFSETS TO BE USED FOR FENCES, WALLS, HEDGES, ETC.

PLAN OF LAND IN WELLESLEY • MASS.

SCALE: 1 IN. = 20 FT. JUNE 9, 1969.

EVERETT M. BROOKS CO. — CIVIL ENG'RS
NEWTONVILLE, MASS.

I hereby certify that the buildings as shown on above plan complied with the zoning laws of the Town of Wellesley when constructed, excepting left rear corner of garage - should be 30' from Colby Rd.

E. M. Brooks Co.
J. C. Budwitis Surveyor

NOTE: This plan is not to be recorded.

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