

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

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MAY 22 1970

Petition of
Miriam P. Torney

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 February 5, 1970, on the petition of Miriam P. Torney, requesting a special exception or variance from the terms of Section XIX of the Zoning By-law which will permit the dwelling located at 100 Cedar Street to remain in its present location with a side yard less than fifteen feet as authorized by the Board of Appeal in its decision filed with the Town Clerk on February 2, 1951. Said petition is also requested under the provisions of Chapter 40A, Section 15, of the General Laws.

On January 15, 1970, the petitioner filed her request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Henry D. White, attorney, represented the petitioner at the hearing.

Statement of Facts

The house involved which was built in 1951, is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The petitioner seeks permission which will allow the dwelling involved to remain in its present location fourteen feet from the lot side line rather than fifteen feet as authorized by the Board of Appeal in 1951. It would also allow the porch foundation at the rear of the dwelling to remain ten feet from the same lot line on the southerly side.

The house which was built in 1951, was recently purchased by the petitioner, and the engineer checking its location discovered the violation. It was pointed out at the hearing that the southerly lot line abuts Town of Wellesley property which is vacant and unlikely to be developed and there is not a house within 400' of the property.

A plot plan was submitted, drawn by Joseph Selwyn, Civil Engineer, Belmont, dated October 18, 1969, which showed the location of the dwelling on the lot.

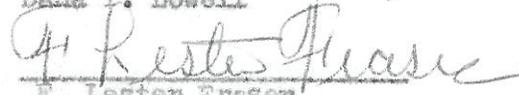
Decision

It is the opinion of this Board that the violation of the variance granted by this Board in 1951, and the construction of the porch on the rear of the dwelling was due to error and that the correction of this violation would result in substantial hardship to the petitioner and relief may be granted without substantially derogating from the intent or purpose of the Zoning By-law.

Accordingly, the requested variance is authorized and granted under

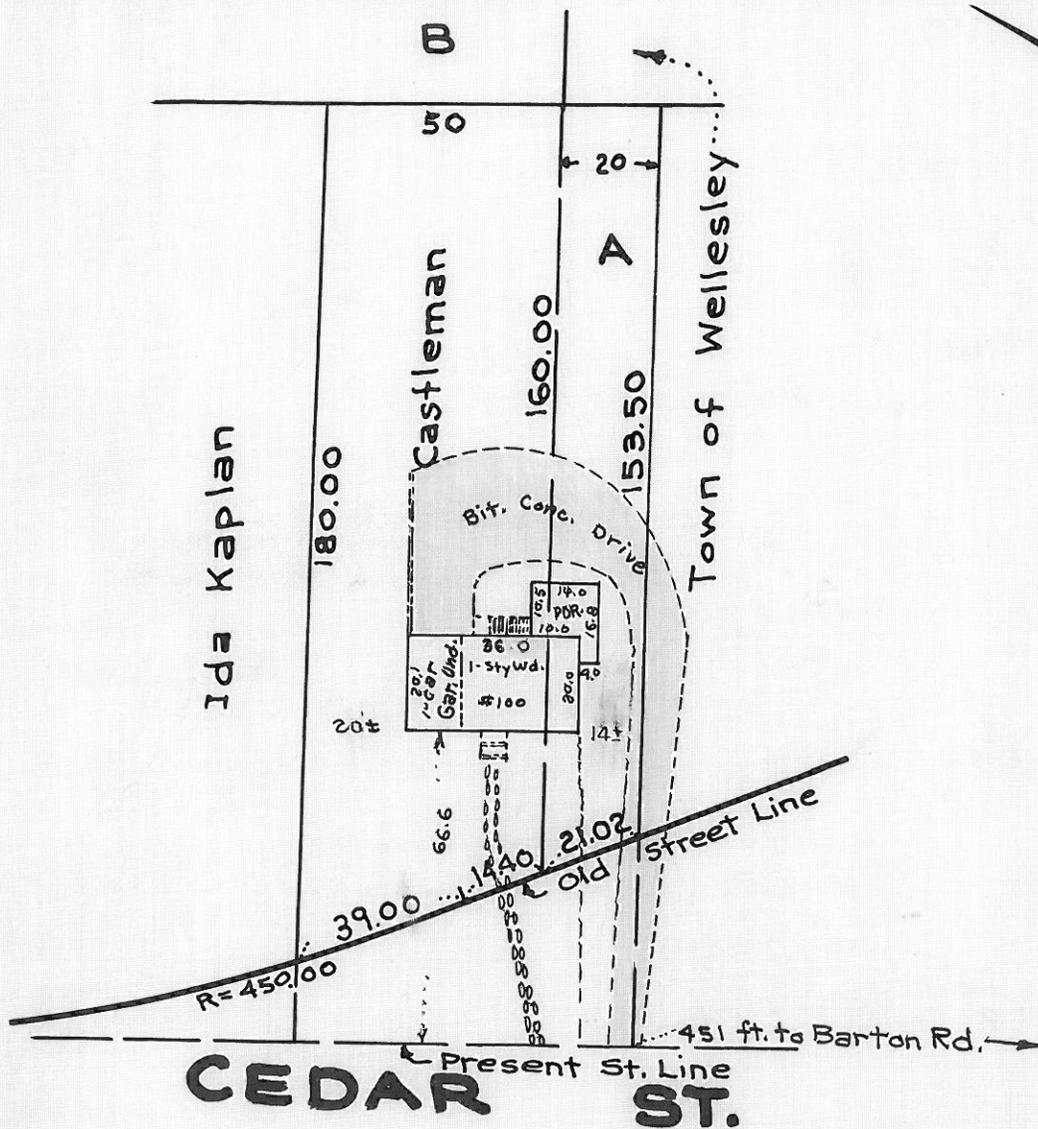
the provisions of Chapter 40A, Section 15, of the General Laws, and the dwelling involved may remain in its location as shown on the plan submitted and on file with this Board.


Richard O. Aldrich

Dana T. Lowell

F. Lester Fraser

Filed with Town Clerk 3/2/70

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TOWN OF BERKLEY
MAY 15 1970



MORTGAGE SURVEY PLAN

Location **WELLESLEY**

Scale 1 in. = 40 ft. Date Oct. 18, 1969.

Plan reference: Being shown on a plan by Philip A. Plaisted, Eng.

dated Dec. 31, 1949

Recorded in Norfolk Registry of Deeds.

Book 2895, Page 27

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 and that it conforms to the zoning and building laws of the town of **Wellesley** when constructed and to restrictions on record except porch.

Joseph Selwyn

Note: Zoning Variance granted 1951

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