



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
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81.57

Petition of Janet G. Preston

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Wednesday, October 14, 1981 at 8 p.m., on the Petition of Janet G. Preston, who is seeking a Variance from the terms of Section XIX of the Zoning Bylaws which requires a twenty foot side yard from the building to the property line. The property is located at 19 Hawthorne Road, said request is being made in order to make the lot in conformance with the present Zoning Bylaws. The request is made pursuant to Section XXIV-D of the Zoning Bylaws.

On September 28, 1981, the petitioner filed his request for a Public Hearing before this Board and thereafter due notice was given by mailing and publication.

Presenting the case for the petitioner: Attorney Robert Zimmerman, 73 Old Colony Rd., Also present were Janet G. Preston and James Brock, attorney. Mr. Zimmerman stated that the dwelling was built in 1949 with a Variance of 10 feet granted on the left side yard. The right side yard was planned to be twenty feet from the lot line, but the house was actually sited in an improper manner, extending to 18.32' from the right side line. A variance is now requested for the right side yard to clear the title for the sale of the property. Mr. Zimmerman also requested the Board to take notice and confirm the variance of 1949, which had not been recorded at the Registry of Deeds until October 14, 1981.

Present in support of the petition: Vincent Boothe, 11 Hawthorne Rd., abutter, and Richard Cannon, purchaser of the property. No one was present in opposition.

Statement of Facts

The property in question is located at 19 Hawthorne Road, in a Single Residence District, on a lot containing 21,479 square feet. The house was built by Moses Ellis in 1949 with a variance granted by the Zoning Board of Appeals allowing a left side yard of ten feet. The right side yard was believed to be twenty feet from the lot line, but the house was actually sited improperly, extending to 18.32' from the right side line. Mr. and Mrs. Preston purchased the dwelling in 1964. During a recent title search relative to the sale of the property, it was discovered that the right side yard is non-conforming.

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OCT 28 9 52 AM 1981

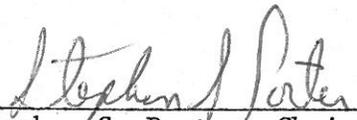
A Plot Plan was submitted, drawn by Everett M. Brooks, Co., Registered Land Surveyors, Newtonville, dated September 29, 1981.

Decision

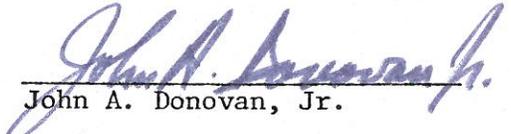
The Permit Granting Authority has made a careful study of the evidence submitted. At least one member has viewed the locus.

It is the unanimous opinion of this Authority that the encroachment on the right side yard is de minimus and that a literal enforcement of the provisions of the Zoning Bylaws would involve substantial hardship to the petitioner. Furthermore, the allowance of a variance would not be detrimental to the neighborhood nor in derogation of the intent of the Zoning Bylaw.

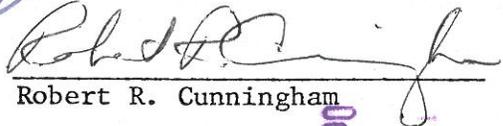
Therefore, the variance is granted.



Stephen S. Porter, Chairman



John A. Donovan, Jr.



Robert R. Cunningham

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PLAN OF LAND
IN
WELLESLEY MASS.

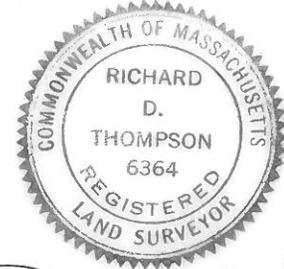
OWNED BY JANET G. PRESTON

SCALE: 1 IN. = 40 FT.

SEPT. 29, 1981

EVERETT M. BROOKS CO.
NEWTONVILLE

CIVIL ENGINEERS
MASSACHUSETTS



Richard D. Thompson

