



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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81-61

Petition of Jeremiah F. and Anne Sullivan

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Wednesday, November 18, 1981 at 8 p.m. on the Petition of Jeremiah F. Sullivan, Jr. and Anna M. Sullivan, who are seeking a Variance from the terms of Section XIX of the Zoning Bylaw which requires a twenty foot side yard from the building to the property line. The property is located at 57 Pine Plain Road and contains less than twenty feet on the right side yard. Said request is being made in order to bring the lot into conformance with the present Zoning Bylaws. The request is made pursuant to Section XXIV-D of the Zoning Bylaws.

On November 2, 1981, the petitioner filed a request for a Public Hearing before this Board and thereafter due notice was given by mailing and publication.

Presenting the case for the petitioner was Thomas J. Cummings, Esquire, 402 Washington Street, attorney for Mr. and Mrs. Sullivan who moved to Dearborn, Michigan a year ago. Mr. Cummings stated that the property is now for sale and Dr. and Mrs. Buus, prospective buyers, are unable to obtain a mortgage until a variance is granted for the right side yard, dwelling being 17.05 feet from the lot line.

Soeren and Mary Buus, prospective buyers, were present and spoke in favor of the request. No one present was in opposition to the request.

Statement of Facts

The property in question is located at 57 Pine Plain Road in a Single Residence District, containing 10,092 square feet of land. The dwelling was constructed in 1942 for William Brossi, a building permit being issued in February, 1942. Sometime between 1942 and 1975 an addition was made without a permit, coming to within seventeen feet of the right side lot line. The petitioners, Mr. and Mrs. Sullivan, purchased the property in 1975, relying on a plot plan drawn by Irving Rosenblatt, Registered Land Surveyor, which indicated that the premises were in conformance with the Zoning Bylaws at that time. A copy of said plot plan is filed as part of the application for a variance.

Mr. and Mrs. Sullivan have moved to Michigan and wish to sell the above mentioned property. The Buyers' attorney has discovered that the dwelling is only 17.05 feet from the right side yard line. The mortgaging bank has refused to grant a mortgage unless a variance is granted.

A Plot Plan, dated October 20, 1981, has been submitted, drawn by Charles Thompson, Registered Land Surveyor, of Everett M. Brooks Company, Newtonville.

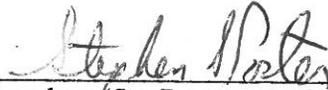
The Planning Board, in a letter dated November 18, 1981, stated that they had no objection to the variance request if the most recent plot plan is correct.

Decision

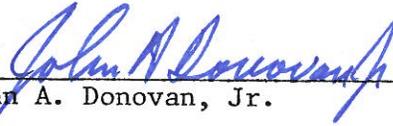
The Permit Granting Authority has made a careful study of the evidence submitted. At least one member has viewed the locus.

It is the unanimous opinion of this Authority that 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 be in derogation of the intent or purpose of the Zoning Bylaw.

Therefore, the variance is granted.



Stephen S. Porter, Chairman



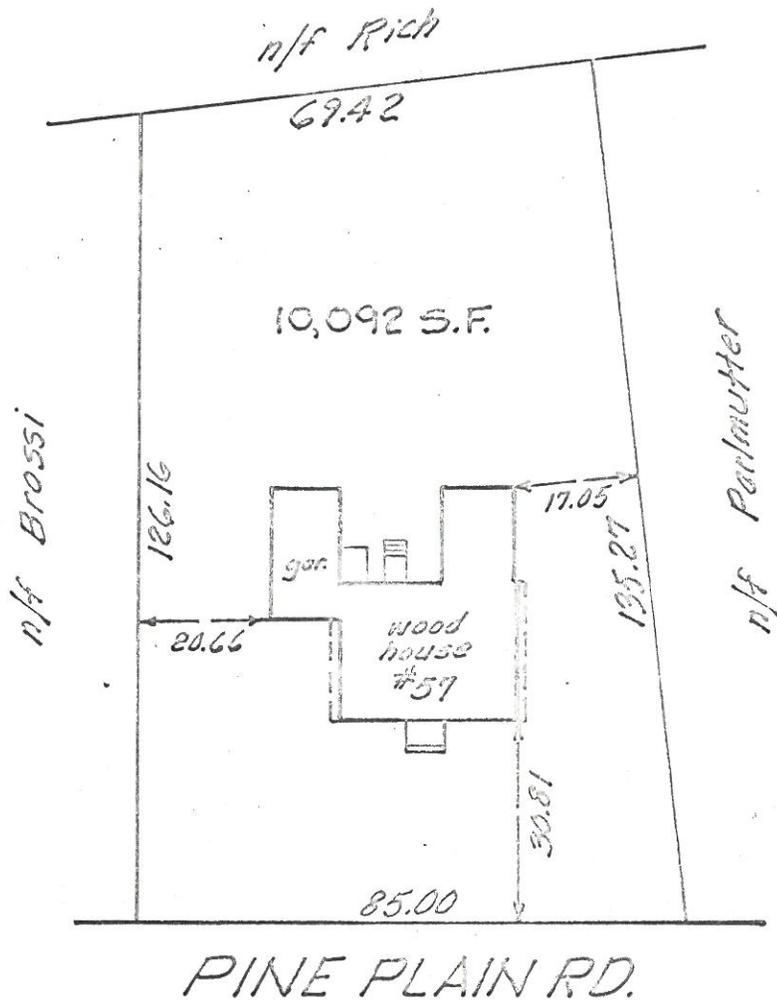
John A. Donovan, Jr.



William E. Polletta

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Charles D. Thompson

PINE PLAIN RD.

PLAN OF LAND

IN

WELLESLEY MASS

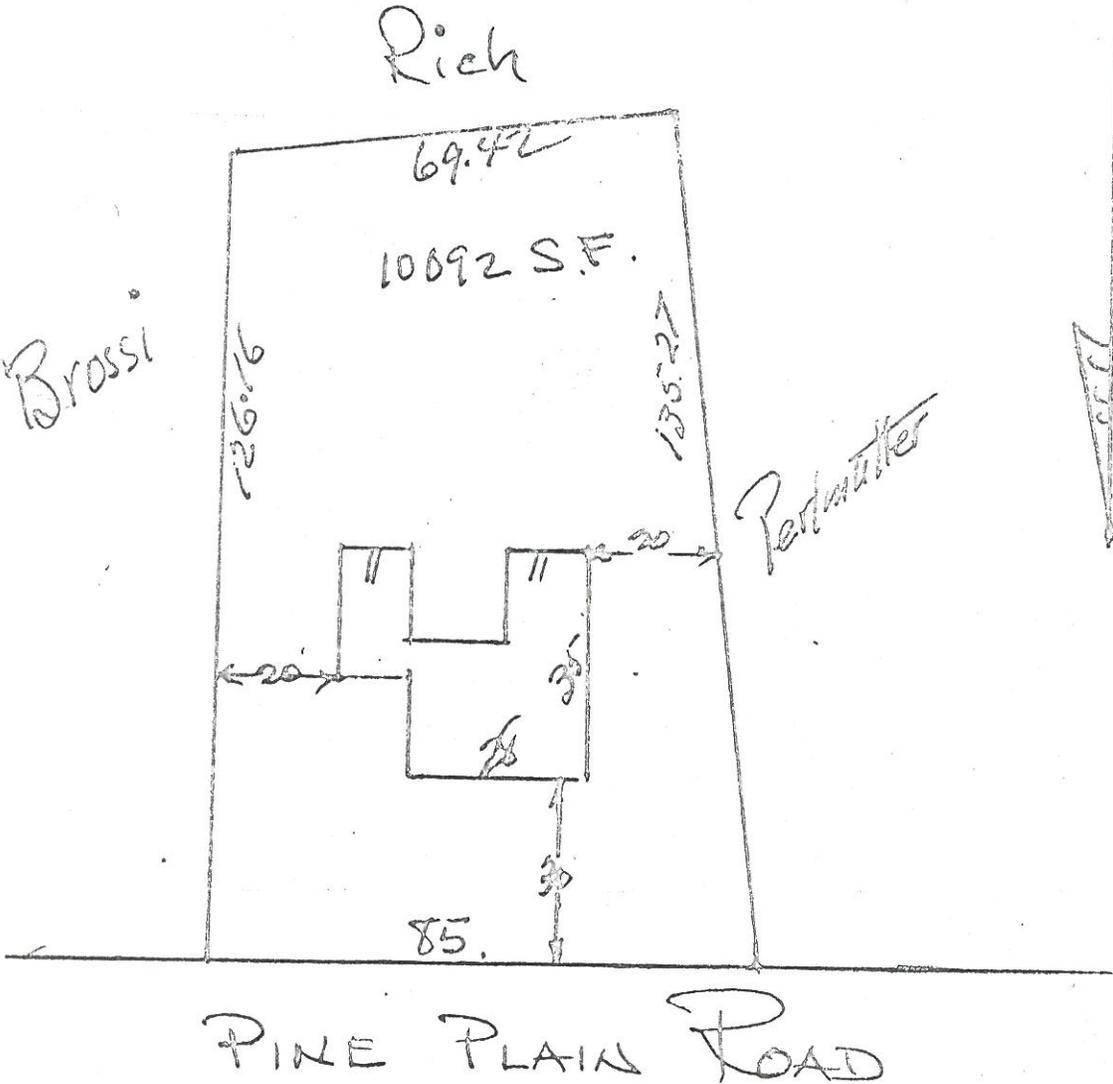
OWNED BY: JEREMIAH F. SULLIVAN

SCALE: 1 IN. = 30 FT.
 EVERETT M. BROOKS CO.
 NEWTONVILLE

OCT. 20, 1981
 CIVIL ENG'RS.
 MASS.

PLOT PLAN IN

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PINE PLAIN ROAD

Sullivan

1975
PLAN
(See petition)

I hereby certify that the building on this property is located as shown on the above plan and complies with the zoning laws of the town of Wellesley when constructed.

Signed Irving Rosenblatt R.L.S.

This plan prepared for mortgage purposes only. 1/11/75