



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
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Executive Secretary
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SUMNER H. BABCOCK

82-30

Petition of Rosamond C. Becker

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8 p.m. on Thursday, August 19, 1982, on the petition of Rosamond C. Becker, requesting a variance from the terms of Section XIX of the Zoning Bylaw for her property at 38 Bay View Road, which contains less than the required twenty feet on the left side yard. Said request is made in order to bring the property into conformance with the present Zoning Bylaws. Said request is made pursuant to Section XXIV-D of the Zoning Bylaw.

On July 30, 1982, the petitioner filed her request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Present at the hearing and presenting the case was Rosamond C. Becker, who stated that the garage had been in place for forty-two years. She recently became aware that the structure was not legal, so she is requesting a variance to bring it into conformance with the Zoning Bylaw.

Other than the petitioner, no one was present opposing or favoring the petition.

Statement of Facts

The property involved is located at 38 Bay View Road, in a Single Residence District, containing 11,810 square feet of land.

The dwelling was constructed in 1941. A building permit for the construction was granted, but the garage was not located according to the building plans. Therefore, the dwelling with attached garage was an illegal structure when it was built. The attached one-car garage comes to 7.56' from the left side lot line. The petitioner seeks a variance to bring the existing structure into compliance with the Zoning Bylaws.

A Plot Plan was submitted, drawn by John J. Regan, Registered Land Surveyor, of Apex Associates, Newton Highlands, dated July 17, 1982.

The Planning Board, at its regular meeting on August 17, 1982, voted to offer no comment on the petition.

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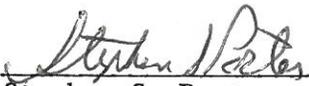
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WELLESLEY, MASS.

Decision

This Authority has made a careful study of the evidence submitted.

It is the opinion of this Authority that the dwelling was in violation of the Zoning Bylaws when it was constructed. The petitioner wishes to bring the existing structure into compliance with the Zoning Bylaws. This Board is of the opinion 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.

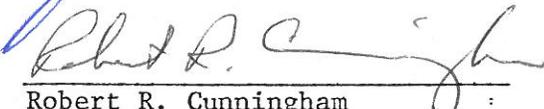
Therefore, the requested variance is granted.



Stephen S. Porter, Chairman



John A. Donovan, Jr.



Robert R. Cunningham

mam

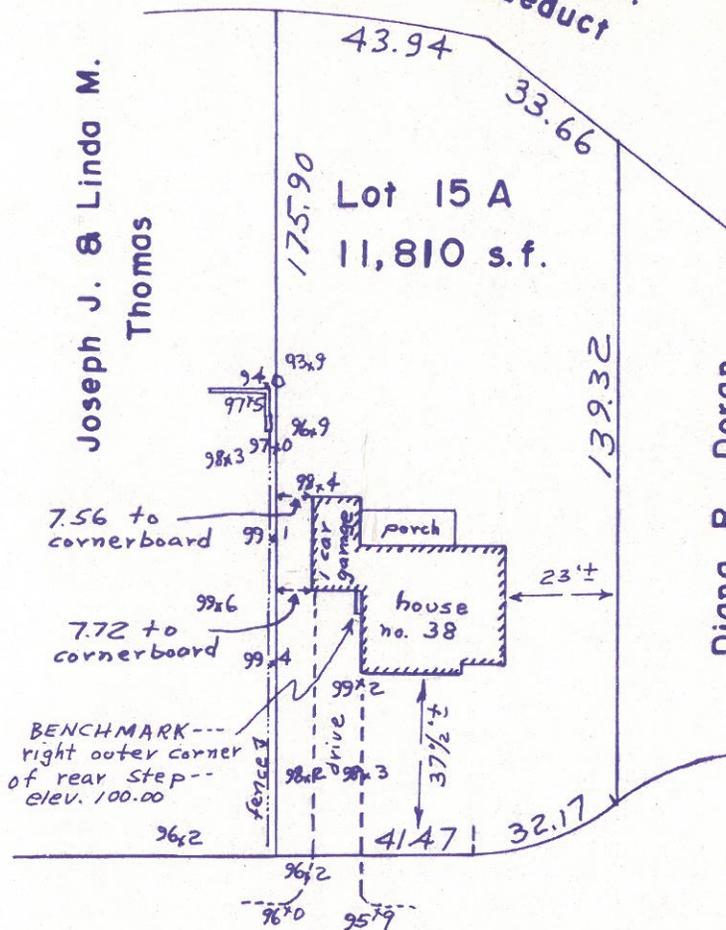
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Comm. of Mass.
Cochituate Aqueduct

Joseph J. & Linda M.
Thomas

Lot 15 A
11,810 s.f.

Diana R. Doran



John J. Regan

BAY VIEW ROAD

PLAN OF LAND
IN
WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF
ROSAMOND C. BECKER
38 BAY VIEW ROAD
WELLESLEY

SCALE 1 IN = 40 FT
APEX ASSOCIATES
NEWTON HIGHLANDS

JULY 17, 1982
LAND SURVEYORS
MASS.

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