



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman  
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SUMNER H. BABCOCK

82-40

Petition of E. Lynette Lemaire

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Thursday, September 16, 1982, on the petition of E. Lynette Lemaire, requesting a variance from the terms of Section XIX of the Zoning Bylaw for her property at 35 Bay View Road, which contains less than the required twenty feet on the right side yard. Said request is being made in order to bring the property into conformance with the present Zoning Bylaw. Said request is made pursuant to Section XXIV-D of the Zoning Bylaw.

On August 27, 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.

Presenting the case at the hearing was E. Lynette Lemaire, who stated that she purchased the house in 1975. She was not aware that the property was non-conforming until recently. She is about to sell the property and the buyers bank will not issue a mortgage until a variance is granted for the deck which extends to 5.76 feet from the right side yard.

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

Statement of Facts

The property involved is located at 35 Bay View Road, in a Single Residence District, containing 12,121 square feet of land.

The dwelling was constructed in 1941. A deck, 10' by 12', was added in 1970 without a building permit, extending to 5.76' from the right side lot line. The petitioner purchased the property in 1975.

A Plot Plan was submitted, drawn by John J. Regan of Apex Associates, Newton Highlands, Registered Land Surveyor, dated August 25, 1982.

The Planning Board, at its regular meeting of September 14, 1982, voted to offer no comment on the petition.

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82-40

Petition of E. Lynette Lemaire

Decision

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

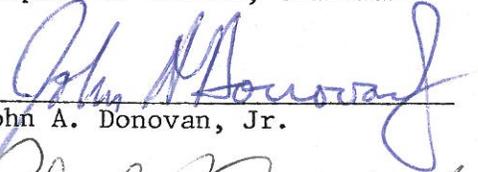
It is the opinion of this Authority that the deck was in violation of the Zoning Bylaw when it was constructed. The petitioner wishes to bring the existing structure into compliance with the present Zoning Bylaws.

This Board is of the opinion that a literal enforcement of the provisions of the Zoning Bylaw 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.

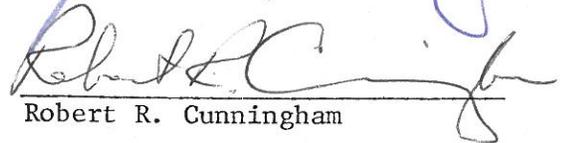
Therefore, the requested variance is granted.



Stephen S. Porter, Chairman



John A. Donovan, Jr.



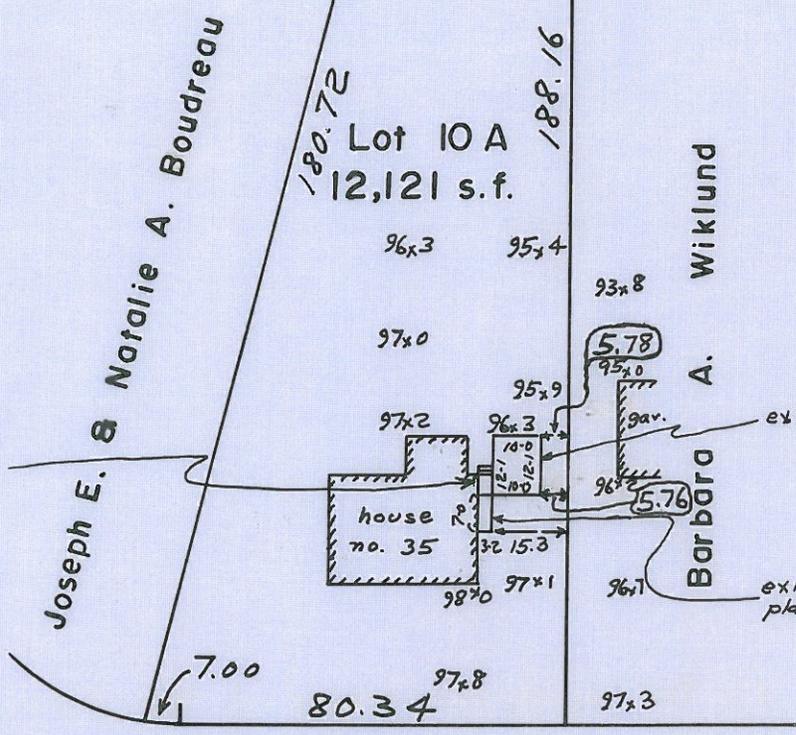
Robert R. Cunningham

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St. James Church  
R.C. Archbishop of Boston  
45.00



BENCHMARK---  
threshold at sliding  
door - elev. 100.00

BAY VIEW ROAD



*John J. Regan*

PLAN OF LAND  
IN  
WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF  
ELEANOR LYNETTE LEMAIRE  
35 BAY VIEW ROAD  
WELLESLEY

SCALE 1 IN = 40 FT  
APEX ASSOCIATES  
NEWTON HIGHLANDS

AUGUST 25, 1982  
LAND SURVEYORS  
MASS.