



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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85-71

Petition of Wellesley Properties Inc.
49 Sheridan Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, November 14, 1985 at 8 p.m. in Room 17 of the Town Offices at the Phillips Building, 12 Seaward Road, Wellesley Hills, on the petition of WELLESLEY PROPERTIES INC. requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D to allow the existing dwelling at 49 SHERIDAN ROAD at the corner of MADISON ROAD with less than the required setback from Sheridan Road and less than the required setback from Madison Road. Said request is made in order to bring the property into conformance with the present Zoning Bylaws.

On October 25, 1985, the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Edna Travis, Esquire, of Ropes and Gray, who stated that she represents the seller of the property, that the house has existed since 1941 but it was just recently discovered to be too close to the street lines. A variance is requested to bring the property into conformance with the Zoning Bylaws.

No others were present either favoring or opposing the request.

Statement of Facts

The property in question is located at 49 Sheridan Road, at the corner of Madison Road, containing 11,000 square feet of land.

The existing dwelling was constructed in the early 1940's. The garage has a setback of 29.15 feet from Sheridan Road and a setback of 28.80 feet from Madison Road, the requirements being that the minimum front yard setback be 30 feet.

A Plot Plan was submitted, drawn by George N. Giunta, Registered Land Surveyor, of Needham, Ma. dated October 23, 1985. Photos were also submitted.

The Planning Board, at its regular meeting of November 5, 1985, voted to offer no comment on the petition.

Petition of Wellesley Properties Inc.
49 Sheridan Road

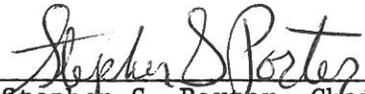
Decision

This Authority has made a careful study of the evidence submitted, and is of the opinion that the existing dwelling at 49 Sheridan Road is not in conformance with the Zoning Bylaws.

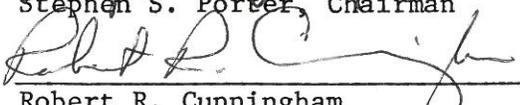
This Board is of the opinion that a literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship to the petitioner. Furthermore, the allowance of a variance would not be detrimental to the neighborhood nor be in derogation of the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance from the terms of Section XIX of the Zoning Bylaw and pursuant to Section XXIV-D of the Zoning Bylaw is granted to allow the existing dwelling at 49 Sheridan Road at the corner of Madison Road with a setback of 29.15 feet from Sheridan Road and a setback of 28.80 feet from Madison Road, as shown in the Plot Plan drawn by George N. Giunta, Registered Land Surveyor, dated October 23, 1985.

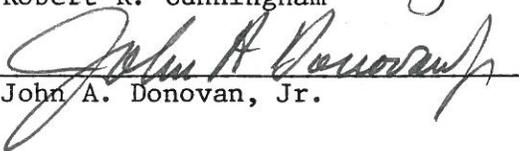
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.



 Stephen S. Porter, Chairman



 Robert R. Cunningham



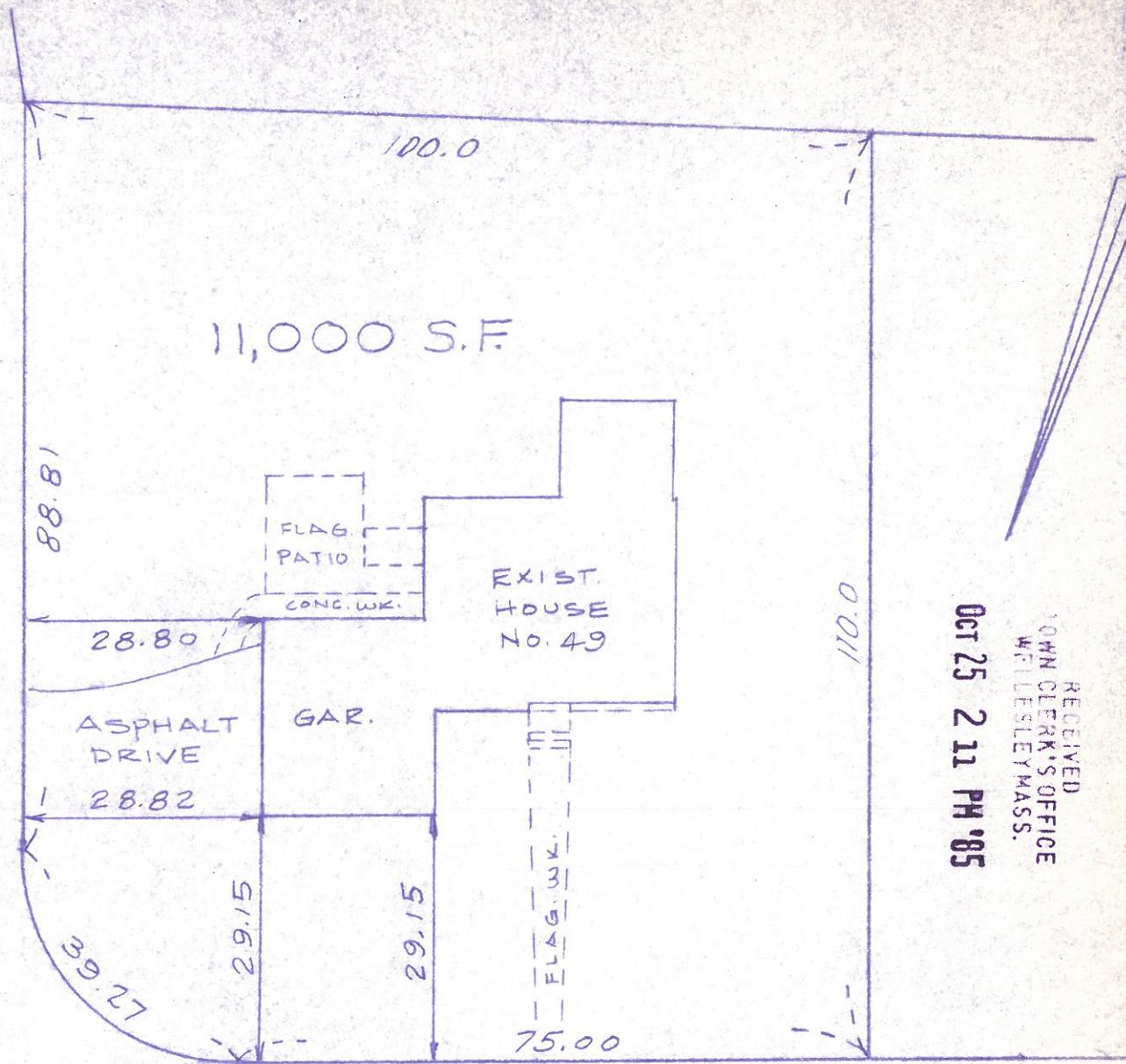
 John A. Donovan, Jr.

cc: Planning Board
Building Inspector

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MADISON ROAD



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SHERIDAN ROAD

PLOT PLAN OF LAND
 IN
 WELLESLEY - MASS.

OCT. 23, 1985

SCALE 1" = 20'

GEORGE N. GIUNTA R.L.S.
 76 NEHOIDEN ST.
 NEEDHAM, MASS.

