



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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431-1019

ZBA 87-58
Estate of Emma Collari
25 Brook Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, July 30, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley pursuant to the request of the ESTATE OF EMMA COLLARI for a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which would allow the existing dwelling at 25 BROOK STREET to be brought into conformance with the current Zoning Bylaw with less than the required front setback from Brook Street.

On June 30, 1987, the petitioner filed an application for 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 David H. Locke, attorney for the estate of Emma Collari. Attorney Locke stated that the house was built in 1951, according to the permit then granted. The variation in the front yard setback of less than two feet was an inadvertent error when pouring the foundation.

No others were present expressing favor or opposition to the request.

Statement of Facts

The property in question is located at 25 Brook Street, containing 22,122 square feet of land. The existing dwelling was constructed in 1951 according to the building permit then granted. The plot plan accompanying the permit shows the location of the proposed dwelling to have a front setback of 30.2 feet from Brook Street.

It was recently discovered that the front yard setback is actually 29.3 feet, the Zoning Bylaw being 30 feet. The variation is due to an inadvertent engineering error committed when pouring the foundation. The Estate of Emma Collari requests a variance to bring the existing house into conformance with the Zoning Bylaw.

A Plot Plan was submitted, drawn by Joseph R. Sullivan, Registered Professional Land Surveyor of MacCarthy & Sullivan Engineering, Inc. dated June 26, 1987.

The Planning Board, at its regular meeting on July 28, 1987 voted to offer no objection to the variance request.

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Decision

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

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 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 25 Brook Street with a front setback of 29.3 feet as shown in the Plot Plan by Joseph R. Sullivan, Registered Professional Land Surveyor, dated June 26, 1987.

On July 30, 1987 the three member board hearing this case voted unanimously in favor of this decision. On August 27, 1987 Mr. Porter died without having affixed his signature to this decision.

Stephen S. Porter, Chairman

Robert R. Cunningham
Robert R. Cunningham

cc: Planning Board
Inspector of Buildings

edg

William E. Polletta
William E. Polletta

SEP 5 8 11 AM '87
MAYOR'S OFFICE

TOWN OF WELLESLEY

107.00'

LOT 2
22,122 SQ.FT.

TOWN OF WELLESLEY

227.00'

RICHARD LIND

217.12'

WELLESLEY
BOARD OF APPEALS.

DATE: _____



RECEIVED OFFICE
ENGINEERS MASS.
WELLESLEY MASS.
JUN 30 11 08 AM '87

PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY:

EMMA COLLARI



SCALE: 1" = 40'

JOSEPH R. SULLIVAN
REG. PROF. LAND SURVEYOR

JUNE 26, 1987

PLAN BY: MAC CARTHY & SULLIVAN ENGINEERING, INC.
81 SPEEN STREET NATICK, MASS.