



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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82-19

Petition of Joseph E. and Natalie Boudreau

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Thursday, June 10, 1982, at 8 p.m., on the Petition of Joseph E. and Natalie Boudreau, who are seeking a Variance from the terms of Section XIX of the Zoning Bylaw for their property at 39 Bay View Road, which contains less than the required twenty feet on the right sideyard. Said request is being made pursuant to the provisions of Section XXIV-D of the Zoning Bylaw.

On May 21, 1982, the petitioners filed a request for a Public Hearing before this Board and thereafter due notice was given by mailing and publication.

Presenting the case were Joseph Ernest and Natalie Boudreau. Mr. Boudreau stated that they were unaware of any zoning violation on their property until recently, when they have attempted to sell their home and the buyer has been unable to obtain a mortgage because the lot is not in conformance with the Zoning Bylaws. A building permit had been issued for the dwelling in 1941 in violation of the Zoning Bylaws.

Other than the petitioners, there was no one present either in favor of or in opposition to the petition.

A statement was submitted with the application, requesting that the variance be granted, signed by the following neighbors: Lyn Lemaire, 35 Bay View Road, John F. and Ingeborg Reinhard, 41 Bay View Road, Rosamond C. Becker, 38 Bay View Road.

Statement of Facts

The property in question is located at 39 Bay View Road, in a Single Residence District, containing 10,875 square feet of land. The dwelling was constructed in 1941 after the issuance of a building permit, but in violation of the existing Zoning Bylaws. In addition, the siting of the garage by the builder was changed after the building permit was issued. The one car attached garage comes to 10.4' from the right side lot line. The petitioners purchased the home in 1955.

A Plot Plan, dated May 18, 1982, was submitted, drawn by Joseph A. Bodio, Registered Land Surveyor, Barnes Engineering Co., Inc., 411 Lexington Street, Auburndale, Ma.

The Planning Board, at its regular meeting of May 25, 1982, voted to offer no comment on the petition.

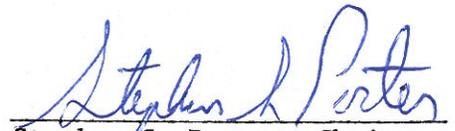
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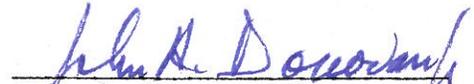
Decision

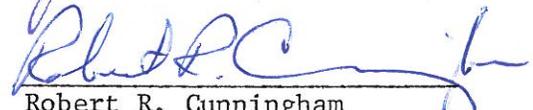
The Permit Granting Authority has made a careful study of the evidence submitted.

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 petitioners. 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.

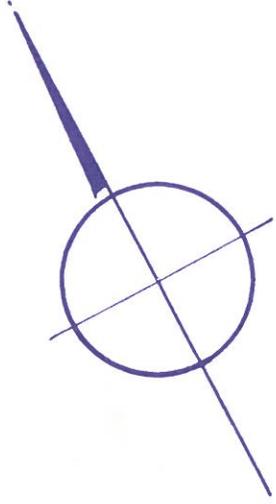

Stephen S. Porter, Chairman


John A. Donovan, Jr.


Robert R. Cunningham

man

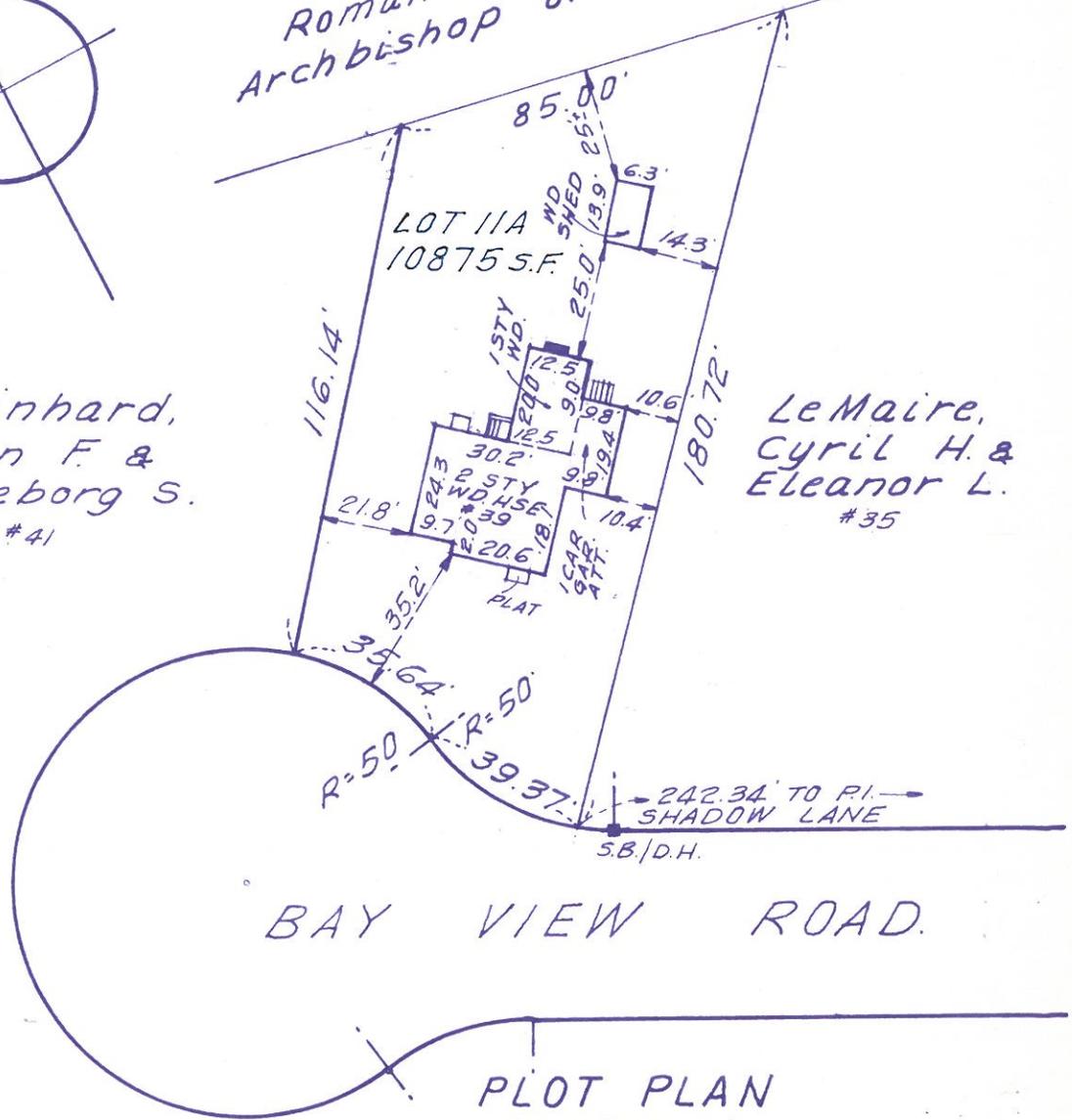
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Roman Catholic
Archbishop of Boston

Reinhard,
John F. &
Ingeborg S.
#41

LeMaire,
Cyril H. &
Eleanor L.
#35



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BAY VIEW ROAD.

PLOT PLAN
OF LAND IN

OWNER:
Boudreau, Joseph E., & Natalie A.

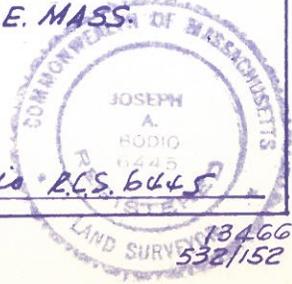
WELLESLEY - MASS.

PLAN REF:
Book 2334 Page 541
ZONE DISTRICT:
Single Residence (10)

SCALE 1 IN = 40 FT. MAY 18, 1982.
BARNES ENGINEERING COMPANY, INC.
411 LEXINGTON ST. - AUBURNDALE, MASS.

I certify that the buildings are located as shown.

Joseph A. Podis P.E.S. 6445



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532/152