



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
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235-1664

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SUMNER H. BABCOCK

84-44

Petition of Joan R. Benzie

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the Upper Town Hall Main Hearing Room on Thursday, August 9, 1984 at 8 p.m. on the petition of JOAN R. BENZIE requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of two bay windows approximately 2'1" by 4' each, to her dwelling at 23 RADCLIFFE ROAD, leaving less than the required left side yard. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On July 20, the petitioner filed a petition 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 Joan Benzie, who presented a letter from Mr. and Mrs. Crawford Beveridge, 27 Radcliffe Road, in favor of the petition. Mrs. Benzie stated that she needs the added space for furniture and that a flagstone patio in the rear prevents expansion in that area.

Other than the petitioner, no one was present at the hearing favoring or opposing the request.

Statement of Facts

The property in question is located at 23 Radcliffe Road, containing 20,416 square feet of land, in a Single Residence District.

The petitioner proposes to construct two bay windows on the westerly side of the dwelling, each approximately 2'1" by 4', leaving a left side yard of 18.50 feet. A hardship is claimed due to a flagstone patio in the rear and because more space is needed in the den and living room for furniture

The Planning Board, at a meeting of August 7, 1984, voted unanimously to recommend that the request be denied.

A Plot Plan was submitted, drawn by John J. Regan, Registered Land Surveyor, of Apex Associates, Newton Highlands, dated June 12, 1984. Construction sketches, drawn by Anthony DeJon, dated June 3, 1984, revised June 29, 1984 were also submitted.

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WELLESLEY, MASS.

Decision

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

Variations may only be granted by the Permit Granting Authority once they have found any of all of the following (Section XXIV-D 1. as quoted from the Zoning Bylaw):

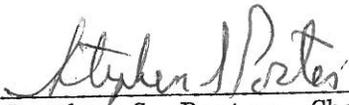
"1.

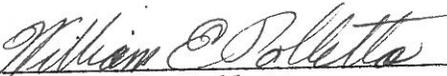
- a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to 1) soil conditions, ii) shape, or iii) topography of such land or structures,AND
- b. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw."

It is the opinion of this Authority that substantial hardship does not exist in this case within the meaning of Section XXIV-D.

Therefore, the requested variance for the two bay windows at 23 Radcliffe Road, leaving a left side yard of 18.50 feet, is hereby denied and the case is dismissed.

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


William E. Polletta


Franklin P. Parker

mam

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MIDDLEBURY, MASS.



Peter H. & Patricia C. Dwight

Avard M. & Marjorie C. Mitchell

61.18

55.00

45.70

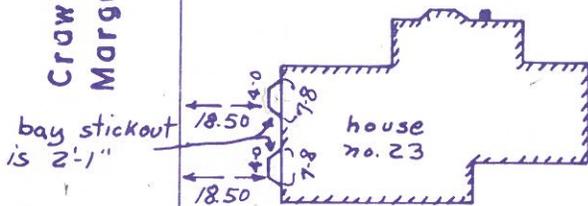
Crawford W. & Marguerite D. Beveridge

170.31

Lot 32
20,416 s.f.

209.74

J. Brooks, Jr. & Judith F. Fenno



106.00

RADCLIFFE ROAD

**PLAN OF LAND
IN
WELLESLEY MASS.**

TO ACCOMPANY THE PETITION OF

JOAN R. BENZIE
23 RADCLIFFE ROAD
WELLESLEY

John J. Regan

SCALE 1 IN = 40 FT
APEX ASSOCIATES
NEWTON HIGHLANDS

JUNE 12, 1984
LAND SURVEYORS
MASS.

JUL 20 11 51 AM '84

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