



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
JOHN A. DONOVAN, JR.
ROBERT R. CUNNINGHAM

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Executive Secretary
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235-1664

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84-63

Petition of Joseph T. and Julia A. Bradley/Leonard F. DePaola, Trustee, Norm-And Rlty.Tr.
23 Windemere Rd.

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the Upper Town Hall Main Hearing Room on Thursday, November 1, 1984 at 8 p.m. on the petition of JOSEPH T. AND JULIA A. BRADLEY, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the existence of the dwelling at 23 WINDEMERE ROAD with less than the required right side yard. Said request is made to bring the existing dwelling into conformance with the Zoning Bylaw. The request is pursuant to Section XXIV-D of the Zoning Bylaw.

On October 12, 1984, the petitioner filed a request 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 Jamie Sabino, Attorney for Mr. and Mrs. Bradley, who stated that the Bradleys have sold the property to a trust, Leonard F. DePaola, Trustee, Norm-And Realty Trust. Mr. Norman Holtz and his wife reside at 23 Windemere Road. Ms. Sabino stated that the Bradleys purchased the property in 1980 at which time a plot plan showed the house to be in compliance with zoning requirements. However, upon the current sale of the property, a recent plot plan shows the porch to have a setback of 18.9 feet. The property was sold, however, and \$4,400 has been put into escrow to cover the expense of tearing down the porch if a variance is denied. Ms. Sabino introduced Mr. and Mrs. Bradley and Mr. and Mrs. Holtz, who are all in favor of the petition.

No others were present at the hearing favoring or opposing the request.

Statement of Facts

The property in question is located at 23 Windemere Road, containing 10,367 square feet of land.

A two-story dwelling exists on the property with a right side yard on the easterly side of the property of 18.9 feet at the corner of a screened porch. The request is made to bring the property into conformance with the zoning bylaws.

A Plot Plan was submitted, drawn by Jean Nysten, Registered Land Surveyor, Mortgage Survey Consultants, Inc., Andover, Ma. dated 10/4/84. Photos were also submitted. The property was transferred from Joseph T. and Julia A. Bradley to Leonard F. DePaola, Trustee, Norm-And Realty Trust

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23 Windemere Rd.

The Planning Board, in a letter of October 26, 1984, stated it has no objection to the requested variance.

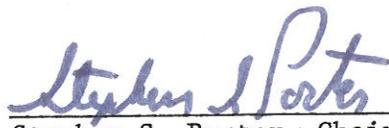
Decision

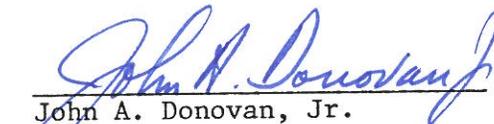
This Authority has made a careful study of the evidence submitted, and is of the opinion that the existing dwelling at 23 Windemere Road is not in conformance with the Zoning Bylaws.

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 and pursuant to Section XXIV-D of the Zoning Bylaw is granted to allow the existing dwelling at 23 Windemere Road with a right side yard of 18.9 feet as shown in the Plot Plan drawn by Jean Nysten, Registered Land Surveyor, dated 10/4/84.

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


John A. Donovan, Jr.


Robert R. Cunningham

mam
cc: Planning Board

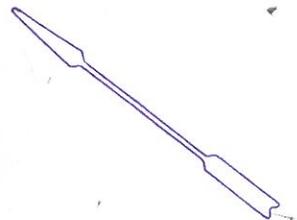
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PLOT PLAN OF LOT 19A SHOWING
EXISTING DWELLING AND
SCREEN PORCH IN
WELLESLEY, MASSACHUSETTS

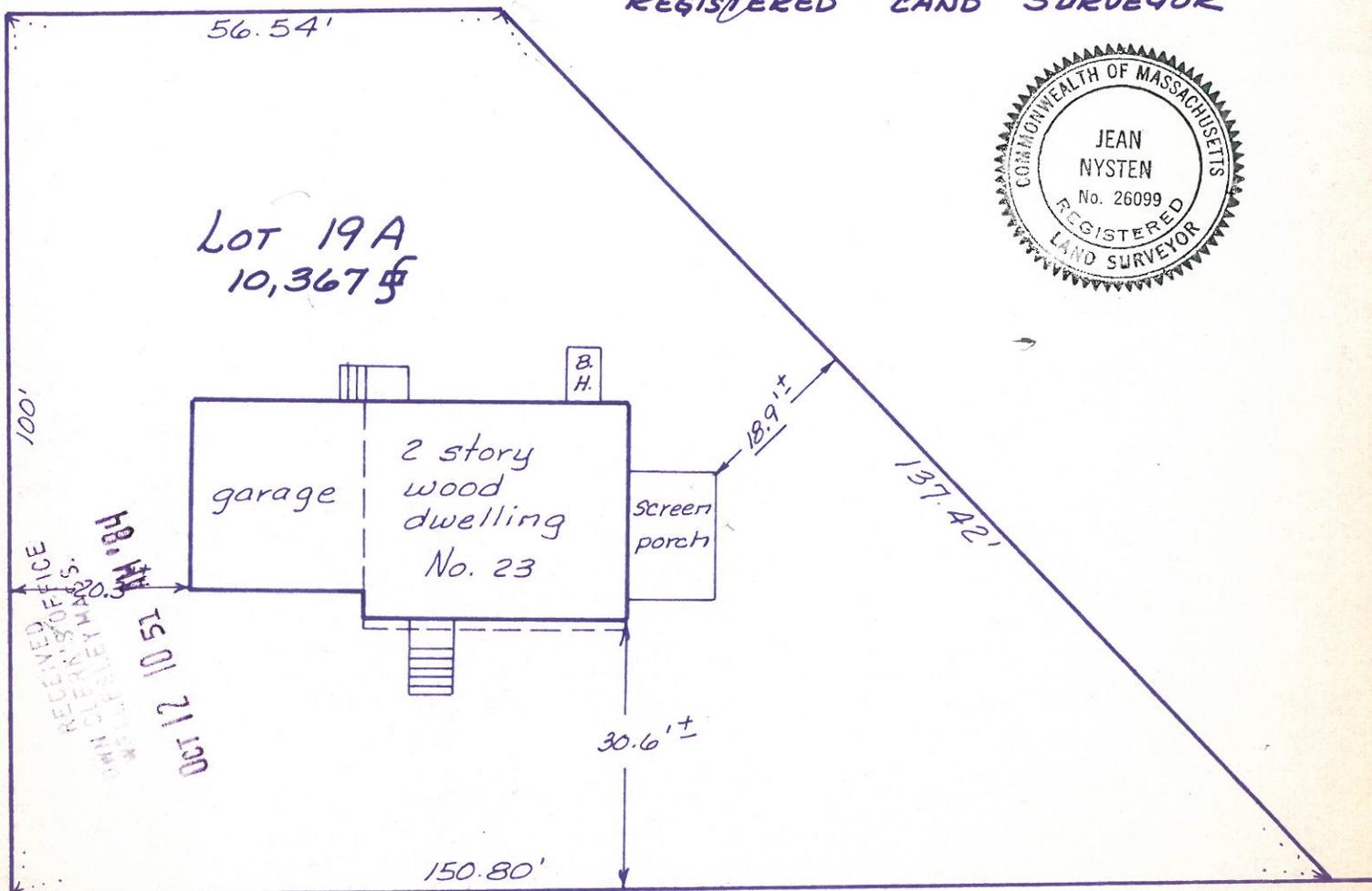
SCALE 1"=20' DATE: 10-4-84

PREPARED FOR JOSEPH T. & JULIA A. BRADLEY
AND NORMAN HOLTZ & ANDREA I. KONITZ

MORTGAGE SURVEY CONSULTANTS, INC.
349 NORTH MAIN STREET
ANDOVER, MASSACHUSETTS 01810



Jean Nysten
REGISTERED LAND SURVEYOR



Lot 19A
10,367 sq ft

garage

2 story
wood
dwelling
No. 23

Screen porch

B.H.

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OCT 12 10 51 AM '84
JEAN NYSTEN

WINDEMERE ROAD