



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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

MARY ANN McDOUGALL  
Executive Secretary

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WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCK

85-8

Petition of John A. England  
40 Pilgrim Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, April 4, 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 JOHN A. ENGLAND requesting a variance from the terms of Section XIX of the Zoning Bylaw to allow the existing dwelling at 40 PILGRIM ROAD at the corner of MARTIN ROAD with less than the required front yard setback from Pilgrim Road and from Martin Road. Said request is made in order to bring the property into conformance with the present Zoning Bylaws and is pursuant to Section XXIV-D.

Presenting the case at the hearing was John England, who stated that he is requesting a variance for a porch with a setback of approximately 26 feet from Martin Road. Since his application was presented, he has learned that a variance had been granted in 1948 for the front porch setback from Pilgrim Road.

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

Statement of Facts

The property in question is located at 40 Pilgrim Road at the corner of Martin Road, containing 15,810 square feet of land, in a Single Residence District.

The house, constructed in 1938, has a setback of 26 feet from Martin Road and a setback of 25 feet from Pilgrim. The petitioner proposes to bring the existing dwelling into conformance with the Zoning Bylaws. A variance was granted in 1948 (ZBA Case 48-48) allowing a front entry porch to be constructed with a setback of 26'6" from Pilgrim Road.

A Plot Plan was submitted, drawn by John J. Regan, Registered Land Surveyor, of Apex Associates, Newton Highlands, dated March 5, 1985.

The Planning Board, at its regular meeting of March 19, 1985, voted to offer no comment on the petition.

Petition of John A. England  
40 Pilgrim Road

Decision

This Authority has made a careful study of the evidence submitted and is of the opinion that the existing dwelling at 40 Pilgrim Road is not in conformance with the present 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 or purpose of the Zoning Bylaw.

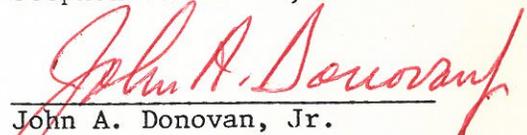
Therefore, the requested variance from the terms of Section XIX of the Zoning Bylaw and pursuant to Section XXIV-D of the Zoning Bylaw is granted to allow the existing dwelling at 40 Pilgrim Road at the corner of Martin Road with a front yard setback of 26 feet from Martin Road and 25 feet from Pilgrim Road, as shown in the Plot Plan by John J. Regan, Registered Land Surveyor of Apex Associates, dated March 5, 1985.

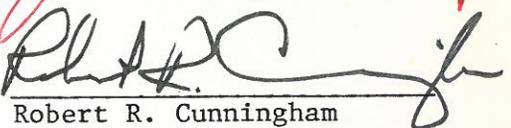
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

cc: Planning Board

mam

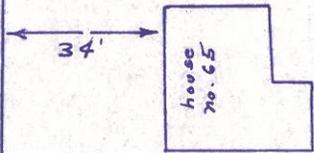
  
Stephen S. Porter, Chairman

  
John A. Donovan, Jr.

  
Robert R. Cunningham

APR 23 10 29 AM '85  
TOWN CLERK'S OFFICE  
154 STATE ST.  
MIDDLEBURY, VT 05753

MARTIN ROAD



Charles A. & Marjorie E. Dillard

164.00

Lot 27 A & Additional Parcel

15,810 s.f.

72.00

26'±

25'±



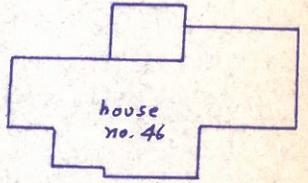
house no. 40

137.98

DRAINAGE EASEMENT

100.30

SEWER EASEMENT



house no. 46

Raymond A. & Marjorie J. Clark

33 1/2'

PILGRIM ROAD

ROAD



*John J. Regan*

*rec'd 3/15/85*

# PLAN OF LAND IN WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF  
JOHN A. ENGLAND, JR. & FOY A. TOREN ENGLAND  
40 PILGRIM ROAD  
WELLESLEY

SCALE 1 IN = 40 FT  
APEX ASSOCIATES  
NEWTON HIGHLANDS

MARCH 5, 1985  
LAND SURVEYORS  
MASS.