



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
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85-27

Petition of Hazel W. Balboni
36 Patton Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 23, 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 Hazel W. Balboni requesting a variance from the terms of Section XIX of the Zoning Bylaws which will allow the existing dwelling at 36 Patton Road at the corner of Hodges Avenue with less than the required setback from Patton Road and less than the required right side yard on the westerly side of the property. Said request is made in order to bring the property into conformance with the present Zoning Bylaws. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On May 3, 1985, the petitioner requested 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 Hazel Balboni, who stated that she is selling her house to her son, Jay Balboni, who was also present. The bank refused to grant the mortgage because of the inadequate front yard and side yard.

No others were present favoring or opposing the petition.

Statement of Facts

The property in question is located at 36 Patton Road, at the corner of Hodges Avenue, containing 10,495 square feet of land.

The existing dwelling has a setback from Patton Road of 28.3 feet and a side yard on the westerly edge of the property of 19.6 feet. The petitioner wishes to sell the property to her son but the bank would not issue a mortgage until the existing house was brought into conformance with the present Zoning Bylaws.

A Plat Plan was presented, drawn by Patrick M. Flaherty, Registered Land Surveyor, Chelmsford, Ma., dated April 30, 1985.

The Planning Board, at its regular meeting of May 14, 1985, voted to offer no comment on the petition.

RECEIVED OFFICE
TOWN OF WELLESLEY
MAY 27 1985
JUN 6 1985

Petition of Hazel W. Balboni
36 Patton Road

Decision

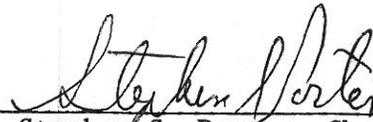
This Authority has made a careful study of the evidence submitted, and is of the opinion that the existing dwelling at 36 Patton Road is not in conformance with the Zoning Bylaws of the Town.

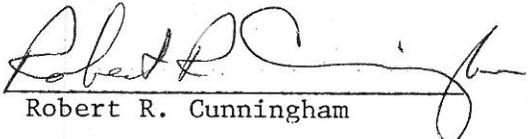
This Board is of the opinion that a literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship to the petitioner. Furthermore, the allowance of a variance would not be detrimental to the neighborhood nor be in derogation of the intent or purpose of the Zoning Bylaw.

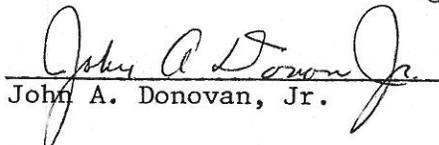
Therefore, the requested variance from the terms of Section XIX of the Zoning Bylaw and pursuant to Section XXIV-D of the Zoning Bylaw is granted to allow the existing dwelling at 36 Patton Road at the corner of Hodges Avenue with a setback of 28.3 feet from Patton Road and a side yard on the westerly border of the property of 19.6 feet as shown on the Plot Plan drawn by Patrick M. Flaherty, Registered Land Surveyor, dated April 30, 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


Robert R. Cunningham


John A. Donovan, Jr.

RECEIVED
TOWN CLERK'S OFFICE
WILLESLY MASS.
JUN 6 9 27 AM '85

PLAT PLAN of LAND in
WELLESLEY, MASS.

SCALE: 1 inch to 20 feet

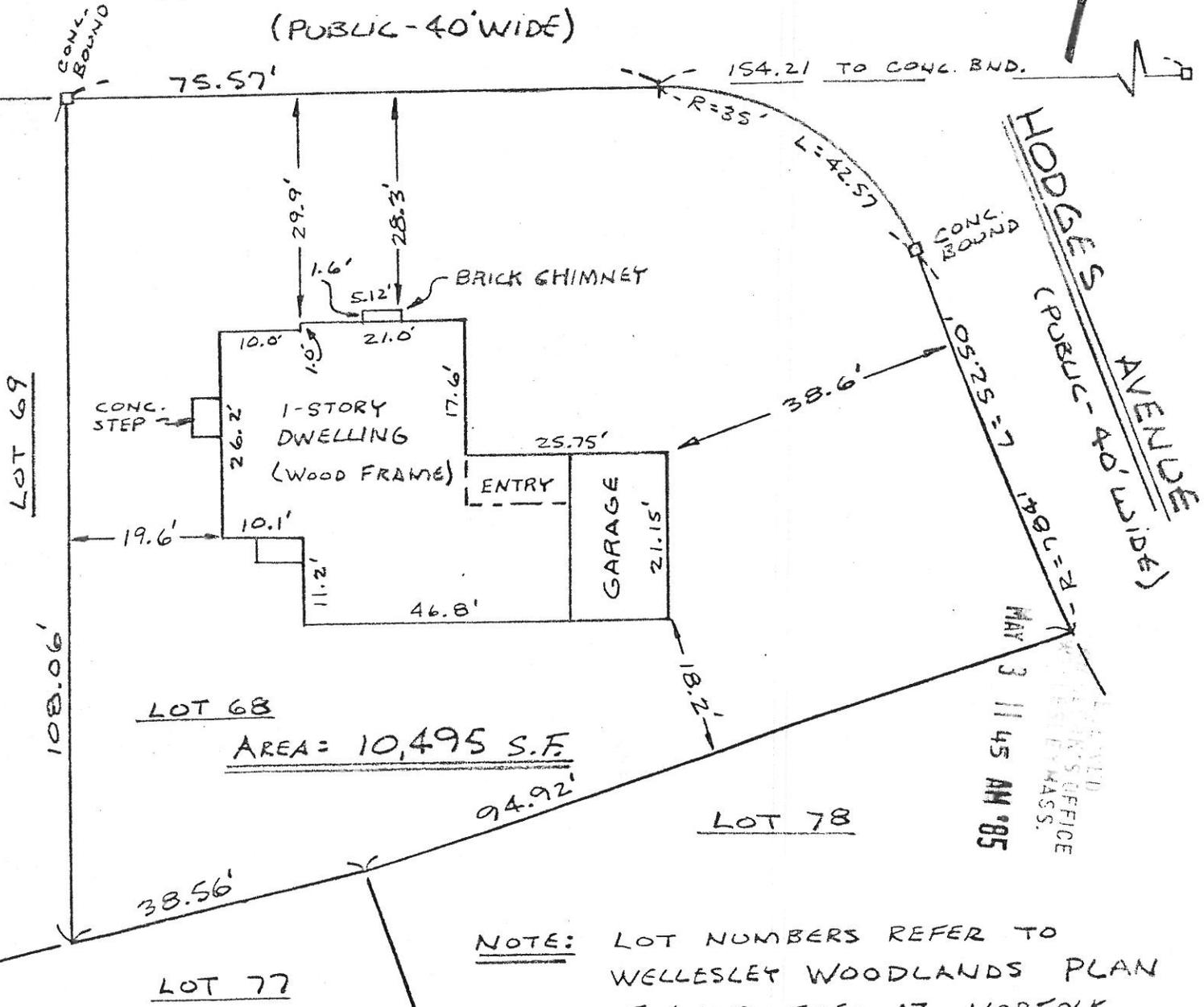
APRIL 30, 1985
PATRICK M. FLAHERTY
REGISTERED LAND SURVEYOR
CHELMSFORD, MASS.

I CERTIFY THAT THE BUILDING SHOWN IS LOCATED FULLY AND ACCURATELY,
BASED ON AN INSTRUMENT SURVEY PERFORMED APRIL 30, 1985.



PATTON ROAD

(PUBLIC - 40' WIDE)



LOT 68
AREA = 10,495 S.F.

NOTE:

LOT NUMBERS REFER TO
WELLESLEY WOODLANDS PLAN
OF LAND FILED AT NORFOLK
REGISTRY OF DEEDS: 667-1947
PL.BK 142