

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

WILLIAM F. CULLINANE, CHAIRMAN
STEPHEN S. PORTER
JOHN A. DONOVAN, JR.

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Executive Secretary
Telephone
235-1664

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

Petition of Robert M. Aiken

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Tuesday, October 28, 1980 at 8:20 PM on the Petition of Robert M. Aiken who is seeking a Variance from the terms of Section XIX of the Zoning Bylaws which requires a twenty (20) foot side yard from the building to the property line. The property is located at 6 Dudley Road, said request is being made in order to make the lot in conformance with present Zoning Bylaws. The request is made pursuant to Section XXIV-D of the Zoning Bylaws.

On September 25, 1980 the petitioner filed his request for a Public Hearing before this Board and thereafter due notice was given by mailing and publication.

Mr. and Mrs. Aiken were present at the hearing speaking on behalf of their petition. The house was built in 1950 with an attached one-car garage, leaving a distance of 32.5' from the Northeasterly lot line.

Statement of Facts

The property in question is located at 6 Dudley Road, a Single Residence District on a lot containing 15,104 SF. The house was expanded in 1964 with an enlargement of the garage by 12' to allow for another car. The Survey Record dated April 13, 1964 drawn by Gleason Engineering Co., indicates the Northeasterly side yard to be 20.5' with this new addition. A more recent Plot Plan dated September 15, 1980 drawn by John J. Regan shows the Northeasterly side yard to be 18±'.

Decision

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

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Petition of Robert M. Aiken, continued

In reviewing the evidence submitted, it becomes apparent that the Building Permit for the garage addition was issued based on the Survey Record, dated April 13, 1964 which indicated the addition would be no closer than 20.5' to the Northerly lot line, therefore in compliance with Section XIX of the Zoning Bylaws which was in force and effect at that time. This situation therefore cannot be a grandfathered situation as it is not a pre-existing non-conforming use.

It is the unanimous opinion of this Authority that the encroachment is de minimus and that a Variance should be granted as a literal enforcement of the provisions of the Zoning Bylaws would involve substantial hardship to the petitioner. Furthermore, the allowance of the Variance would not be detrimental to the neighborhood nor in derogation of the intent of the Zoning Bylaws.

William F. Cullinane

William F. Cullinane, Chairman

Stephen S. Porter

Stephen S. Porter

John A. Donovan, Jr.

John A. Donovan, Jr.

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118.00

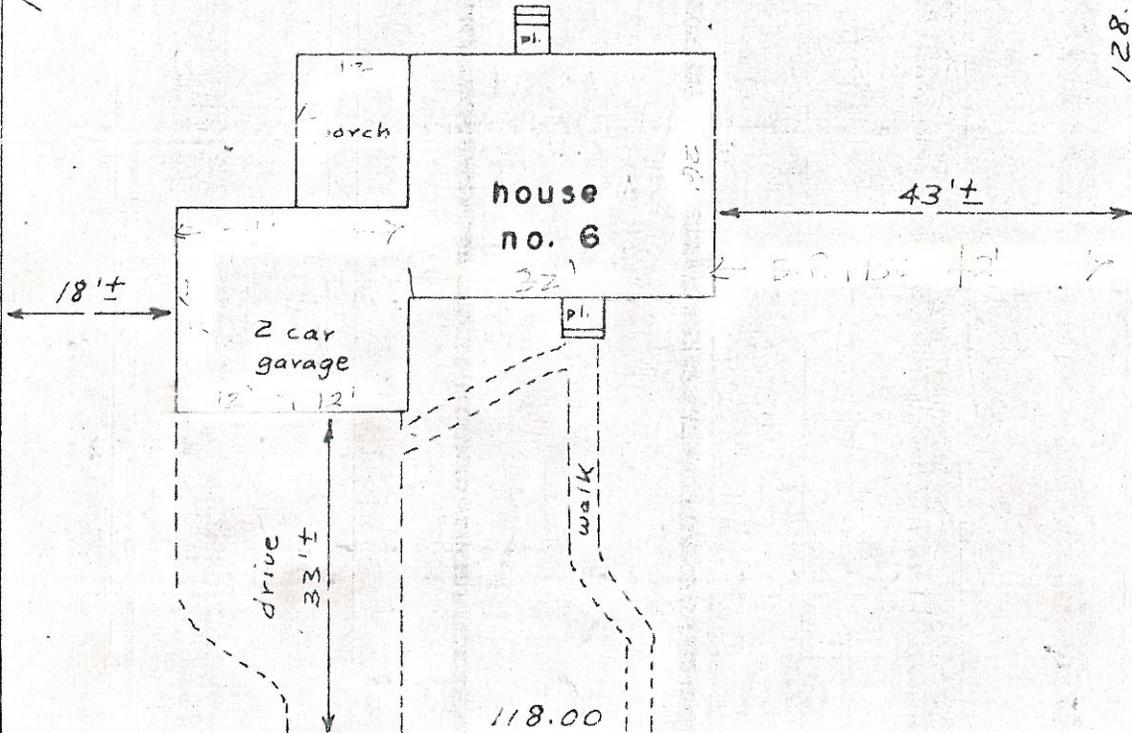
Lot 60
15,104 s.f.

Lot 61

128.00

128.00

Lot 59



9582
DSB

DUDLEY

ROAD

I certify that the house is located on the ground as shown on above plan. The house is only 18'± from the left lot line although the zoning requirement is 20'.

I further certify that the house is not in the special flood hazard area as shown on the H.U.D. Insurance Administration Map of The Town of Wellesley, Mass. (Community Identification No. 250255A)

John J. Regan

PLAN OF LAND IN WELLESLEY MASS.

SEP 25 12 54 PM '80
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PLANNING DEPARTMENT
WELLESLEY MASS.

SCALE 1 IN = 20 FT

APEX ASSOCIATES 527-3060

NEWTON HIGHLANDS

SEPT. 15, 1980
LAND SURVEYORS
MASS.



64-75-264 9.8.64
SURVEY RECORD

Permit No. 14843

Street: DUDLEY ROAD No. 6

Builder: W.W.S. CURRAN

Address: ROBERT M. ALLEN

Owner:

Address: WELLESLEY

Building dimensions:

Distances:

Adjoining Bldgs:

Center of street: 53'

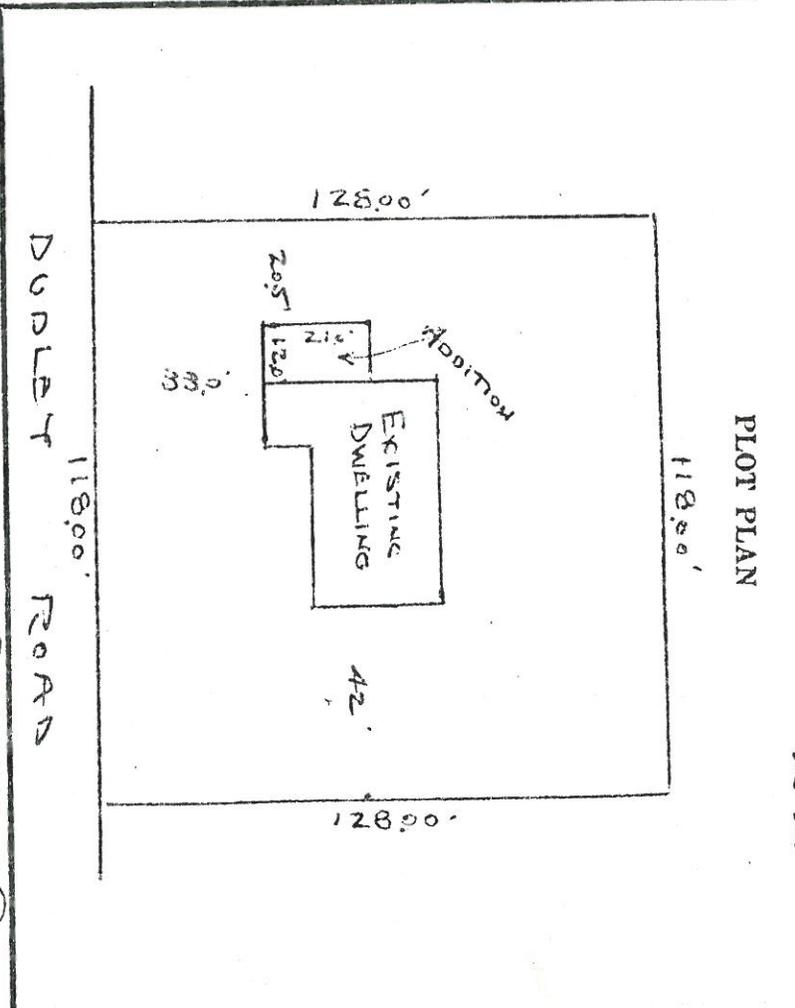
Front Yard: 33' Rear Yard:

Side Yard: 2.5' Side Yard:

Area of Lot: 15104.88 Sq. Ft.

COMPLETE INSTRUCTIONS ON REVERSE SIDE
OF DUPLICAT COPY

ORIGINAL



PLOT PLAN

118.00'

128.00'

20.5'

12.0'

EXISTING DWELLING

42'

128.00'

DUDLEY ROAD

CHAMPSON ENGINEERING CO.

Signed By:

Date: April 13 1964 Address: Wellesley

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08. MA 45 21 57 JES