

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

Petition of Anna E. Greathead

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 9:20 PM on the Petition of Anna E. Greathead who is seeking a Variance from the terms of Section XIX of the Zoning Bylaws which requires a twenty (20) foot side yard line from the building to the property line. The property is located at 58 Manor Avenue, said request is being made in order to bring the lot into compliance with the Variance granted by the Zoning Board of Appeals dated May 26, 1952, which Variance granted a ten (10) foot side yard on each side of the house. A recent survey dated September 4, 1980 drawn by John J. Regan, indicates a discrepancy of six (6) inches. This request is made under the provisions of Section XXIV-D of the Zoning Bylaws.

On October 14, 1980 the Petitioner filed her request for a hearing before this Board, and thereafter due notice of the hearing was given by mailing and publication.

Anna E. Greathead was present at the hearing and spoke on behalf of her petition.

Statement of Facts

The property is located at 58 Manor Avenue. Under a Variance dated May 26, 1952 and filed with the Town Clerk, the Permit Granting Authority allowed the construction of a dwelling 30.0' x 24.0' on this 5,000 SF parcel. The 1952 Variance allowed for a 10' side yard on both the Easterly and Westerly boundaries. According to the Survey Record prepared by James H. Harrington dated June 2, 1952 and filed with the Building Permit, the house was built with a 10' side yard on both sides. The property was recently sold and a discrepancy determined by the purchasers newly drawn Plot Plan. The new Plot Plan was prepared by John J. Regan and dated September 4, 1980 and shows the Easterly side yard to be 10.5' and the Westerly side yard to be 9'.

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Petition of Anna E. Greathead, continued

Decision

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

In reviewing the evidence submitted it becomes apparent that the house was permitted with the granting of a Variance from the Board of Appeals dated May 26, 1952, and that it was thereby allowed to have a 10 foot side yard on both the Easterly and Westerly sides, as shown on the Survey Record prepared by James H. Harrington and dated June 2, 1952. This situation therefore cannot be a grandfathered situation as it is not a pre-existing nonconforming 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 a 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 Bylaw.

William F. Cullinane

William F. Cullinane, Chairman

John A. Donovan, Jr.

John A. Donovan, Jr.

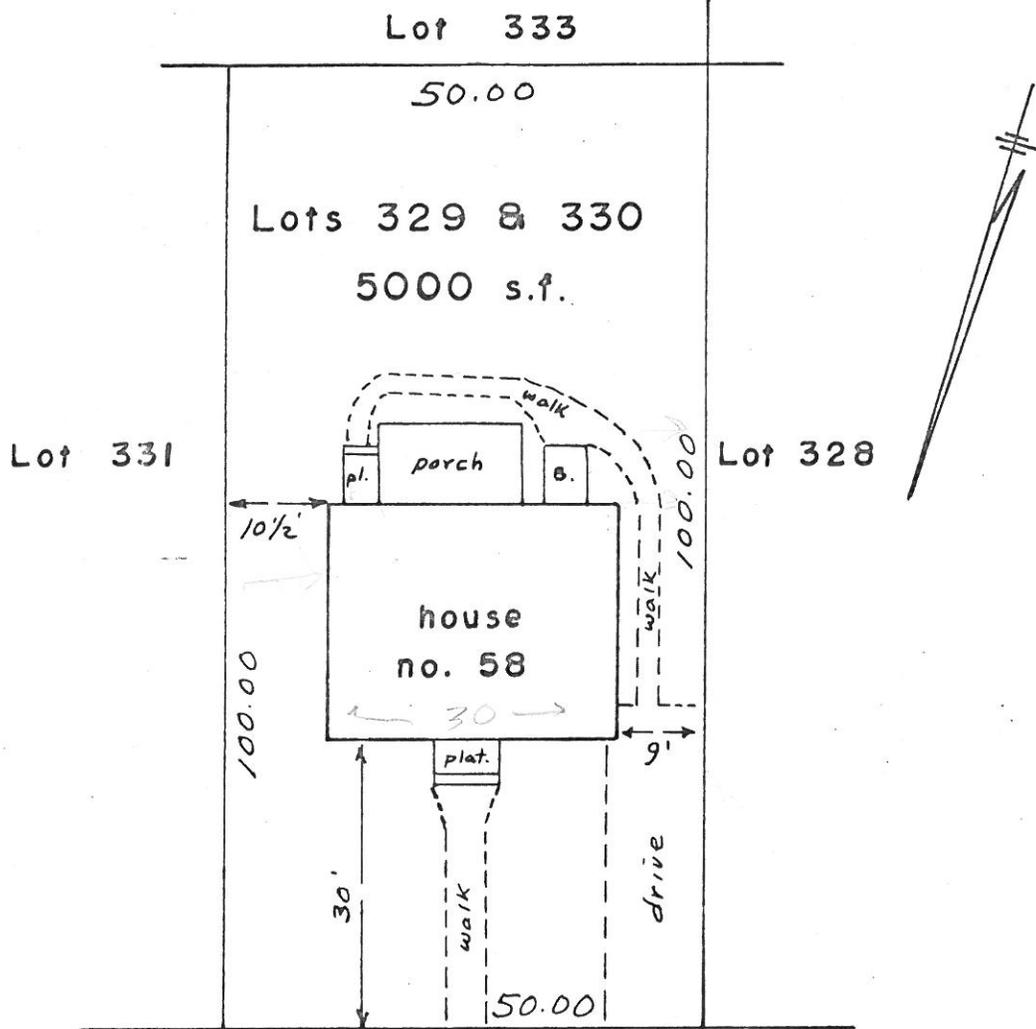
Stephen S. Porter

Stephen S. Porter

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MANOR AVENUE

I certify that the house is located on the ground as shown on above plan.

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

Note: A variance for a sideline setback of 10' was granted on this lot on April 26, 1952.

PLAN OF LAND IN WELLESLEY MASS.

SCALE 1 IN = 20 FT
APEX ASSOCIATES
NEWTON HIGHLANDS

SEPT. 4, 1980
LAND SURVEYORS
MASS.