TOWN OF WELLESLEY MASSACHUSETTS

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
Telephone
235-1664

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

82-46
Petition of Paul W. and Mary E. Sandman

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8 p.m. on Thursday, October 14, 1982, on the petition of PAUL AND MARY ELIZABETH SANDMAN, requesting a variance from the terms of Section XIX of the Zoning Bylaw for their property at 5 LAFAYETTE CIRCLE, which contains less than the required footage on the left and right side yards. Said request is being made in order to bring the property into conformance with the Zoning Bylaws.

On September 28, 1982, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Present at the hearing and presenting the case was Paul Sandman, who stated that the house was constructed in 1937 when the sideyard requirements were ten feet. However, the house was actually constructed leaving a right side yard of 9'6" and a left side yard of 8'3". Mr. Sandman purchased the house six years ago and stated that he became aware of the side yard problem at that time but not aware of the implications of the problem. He now wishes to sell the property but the buyers cannot obtain financing unless a variance is granted for the side yard violations. The paper passing is scheduled for November 29th.

Mr. Sandman presented letters of support from Lucille Lyons, One Lafayette Circle, and Sheila and W. F. Whalen, 9 Lafayette Circle.

No one was present at the hearing either favoring or opposing the petition, other than the petitioner.

Statement of Facts

The property involved is located at 5 Lafayette Circle, in a Single Residence District, containing 10,138 square feet of land.

The dwelling was constructed in 1937, when the sideyard requirements were ten feet. However, the dwelling was actually constructed with a right side yard of 9'6" and a left sideyard of 8'3".

A Plot Plan was submitted, drawn by Richard D. Thompson, Registered Land Surveyor, of Everett Brooks Co., Newtonville, Ma. , dated September 28, 1982.

The Planning Board, at its regular meeting of October 12, 1982, voted to offer no comment on the petition.

Decision

This Authority has made a careful study of the evidence submitted.

It is the opinion of this Authority that the dwelling was in violation of the Zoning Bylaws when it was constructed. The petitioner wishes to bring the existing structure into compliance with the Zoning Bylaws. This Board is of the opinion that a literal enforcement of the provisions of the Zoning Bylaws 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.

There, the requested variance is granted.

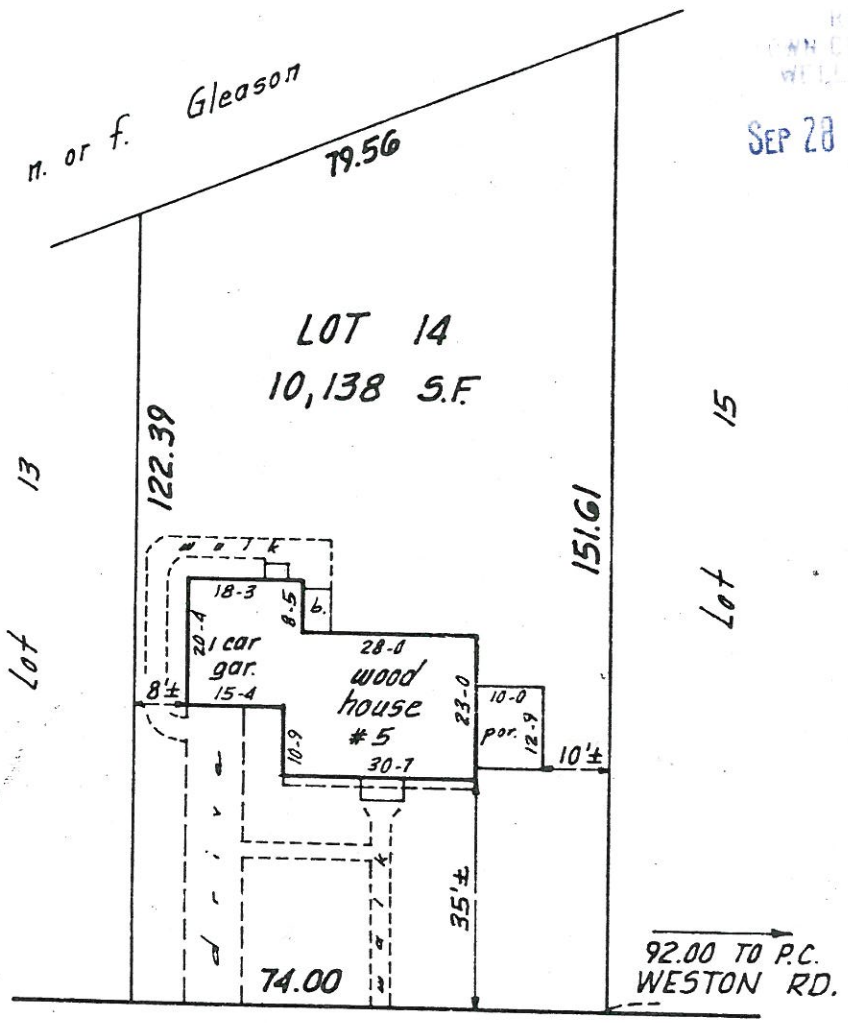
Stephen S. Porter, Chairman

John A. Donovan, Jr.

Franklin P. Parker

mam

OCT 25 1 06 PM '82
RECEIVED
TOWN CLERK'S OFFICE
MELROSE, MASS.




RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.
SEP 28 9 43 AM '82

*Lot designations refer to*
*Norfolk* *Registry or Deeds*
*Book 2154* *Page 49*
*Plan By Gleason Eng. Corp.*
*Dated July 6, 1937*

THIS PLOT PLAN WAS NOT MADE FROM AN INSTRUMENT SURVEY AND IS FOR THE USE OF THE BANK ONLY. UNDER NO CIRCUMSTANCES ARE OFFSETS TO BE USED FOR FENCES, WALLS, HEDGES, ETC.

# PLAN OF LAND IN WELLESLEY MASS.

SCALE: 1 IN. = 30 FT. JUNE 22, 1976

EVERETT M. BROOKS CO. — CIVIL ENG'RS
NEWTONVILLE, MASS.

NOTE: This house did not comply with the zoning laws of the Town of Wellesley when constructed, which laws required a minimum side yard of ten feet.

NOTE: This plan is not to be recorded.

Everett M. Brooks Co.
ETB. Surveyor

64171

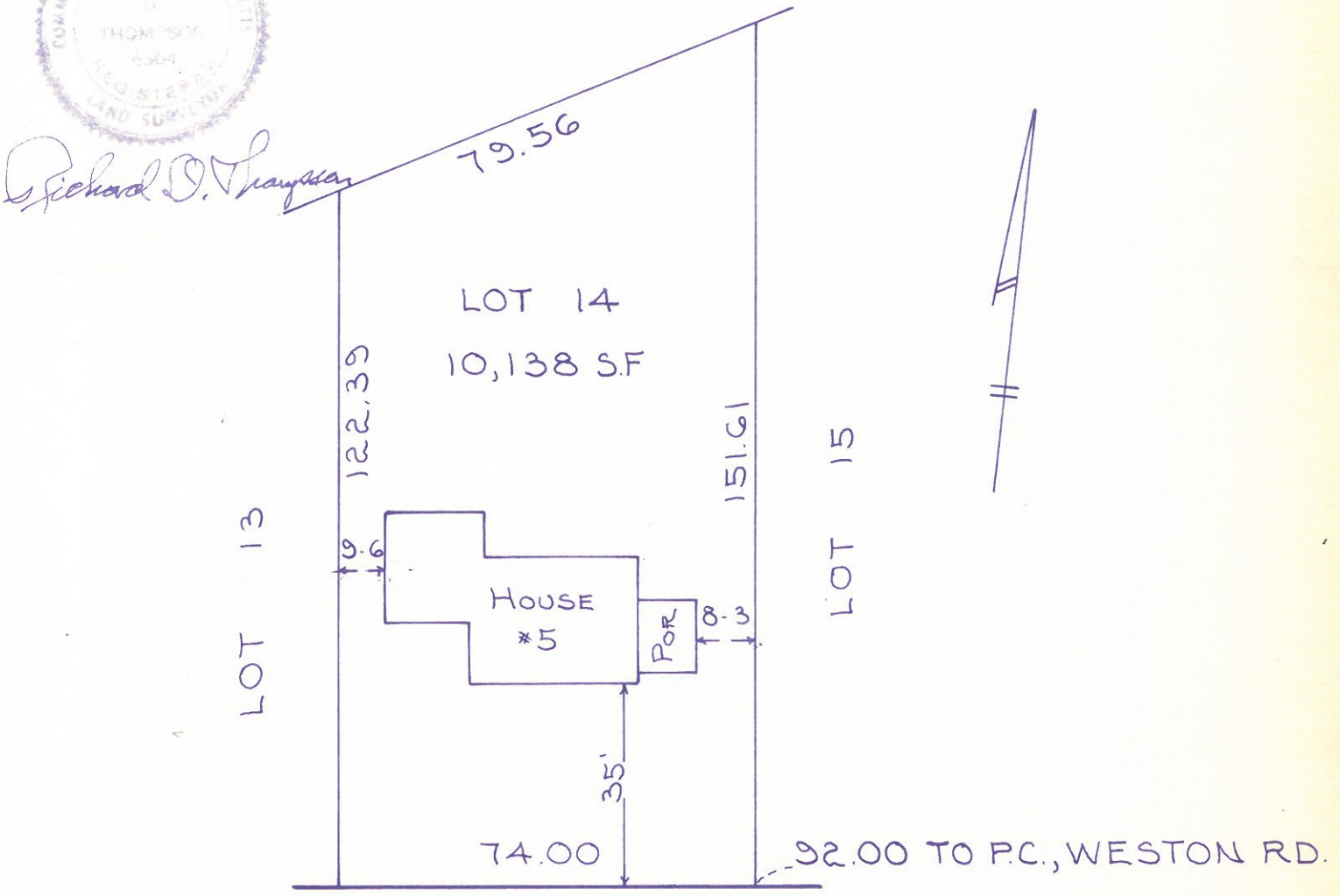
# PLAN OF LAND
IN
# WELLESLEY • MASS.

TO ACCOMPANY THE PETITION OF
MARY BETH SANDMAN

SCALE: 1 IN = 30 FT SEPTEMBER 28, 1982

EVERETT M. BROOKS CO., CIVIL ENG'RS
NEWTONVILLE MASS.

Richard D. Thompson




14435