



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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SUMNER H. BABCOCK

83-4

Petition of Dorothy C. Peschier

The Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8 p.m. on Thursday, February 17, 1983 on the petition of Dorothy C. Peschier, requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a dwelling 24 feet by 28 feet on a parcel of land known as Lots 257 and 258 on Manor Avenue at the corner of Marigold Avenue, leaving less than the required setback from Marigold Avenue. Said request is made pursuant to Section XXIV-D of the Zoning Bylaw.

On January 27, 1983, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Speaking for the petitioner at the hearing was Joseph A. Gautreau, potential purchaser of the property. Mr. Gautreau stated that there were many properties in the neighborhood similar to the property in question with regards to frontage on the street and front yard setbacks. The proposed dwelling would be set back 40 feet from Manor Avenue and 15 feet from Marigold Avenue.

John Reynolds, partner of Mr. Gautreau, was present at the hearing. No one else was present either favoring or opposing the petition.

Statement of Facts

The property in question is a parcel of land known as lots 257 and 258 on Manor Avenue on the corner of Marigold Avenue, which contains 5,000 square feet of area. It has a frontage of 50 feet on Manor Avenue and 100 feet on Marigold Avenue. Dorothy Peschier of 90 Lowell Avenue, Watertown, Ma., is the record owner of the parcel, being the daughter of the late Robert Warner, to whom the parcel had been deeded in 1917 by a deed recorded in Norfolk Registry of Deeds in Book 1379, Page 490.

John J. Reynolds and Joseph A. Gautreau, builders, have entered into a contract to purchase the parcel of land from Dorothy Peschier, on which they propose to construct a 24 foot by 28 foot dwelling. The sale is contingent on a building permit being issued for the premises.

On October 29, 1982, Dorothy C. Peschier and John J. Reynolds filed a request for a hearing before the Board of Appeals, appealing the action of the Building Inspector who had refused to issue a building permit for the parcel of land in question. The public hearing was held on November 18, 1982. The Board of Appeals supported the

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action of the Building Inspector and the appeal was denied in a decision dated January 12, 1983 (Case #82-50).

The petitioner, Dorothy C. Peschier, has now filed an application for a variance to allow a dwelling 24 feet by 28 feet to be constructed on the property with frontage on Marigold Avenue, leaving a setback from Marigold Avenue of 15 feet, the required setback being 30 feet. The proposed setback from Manor Avenue would be 40 feet, the right sideyard would be 30 feet, the rearyard, abutting Lot 259 on Manor Avenue, would be 11 feet.

A Plot Plan was submitted, drawn by Eugene James Mulligan, Registered Land Surveyor, of Frederick R. Joyce Co., Arlington, Ma., dated January 14, 1983. Construction drawings were also submitted, drawn by George D. Reynolds, Jr.

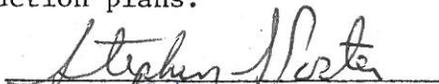
The Planning Board, in a letter dated February 9, 1983, recommended that the variance be denied.

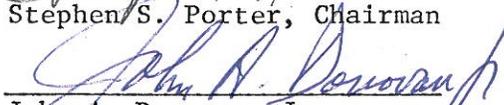
#### Decision

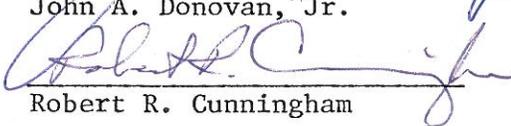
This Authority has made a careful study of the evidence presented. The particular parcel in question contains 5,000 square feet of land and is a corner lot. A building could have been constructed on the lot conforming to the "Building Laws" of the Town of Wellesley which were in effect in 1917, when the parcel was purchased by the petitioner's father, Robert Warner. The Building Laws in 1917 required a building to be ten feet from all party lines. However, the Yard Regulations of the Zoning Bylaw, Section XIX, in effect at the present time, require minimum front yard setbacks of 30 feet, a sideyard of 20 feet, and a rearyard of 10 feet.

It is the unanimous decision of this Authority that because of the shape of the lot and the fact that it is a corner lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief can be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted to construct a dwelling 24 feet by 28 feet, facing Marigold Avenue, with a setback of 16 feet from Marigold Avenue, 40 feet from Manor Avenue, with a 10 foot rearyard abutting Lot 259 on Manor Avenue and a 30 foot right sideyard abutting 6 Marigold Avenue. The Inspector of Buildings is authorized to issue a permit for the construction upon his receipt and approval of a revised Plot Plan, a building application, and construction plans.

  
Stephen S. Porter, Chairman

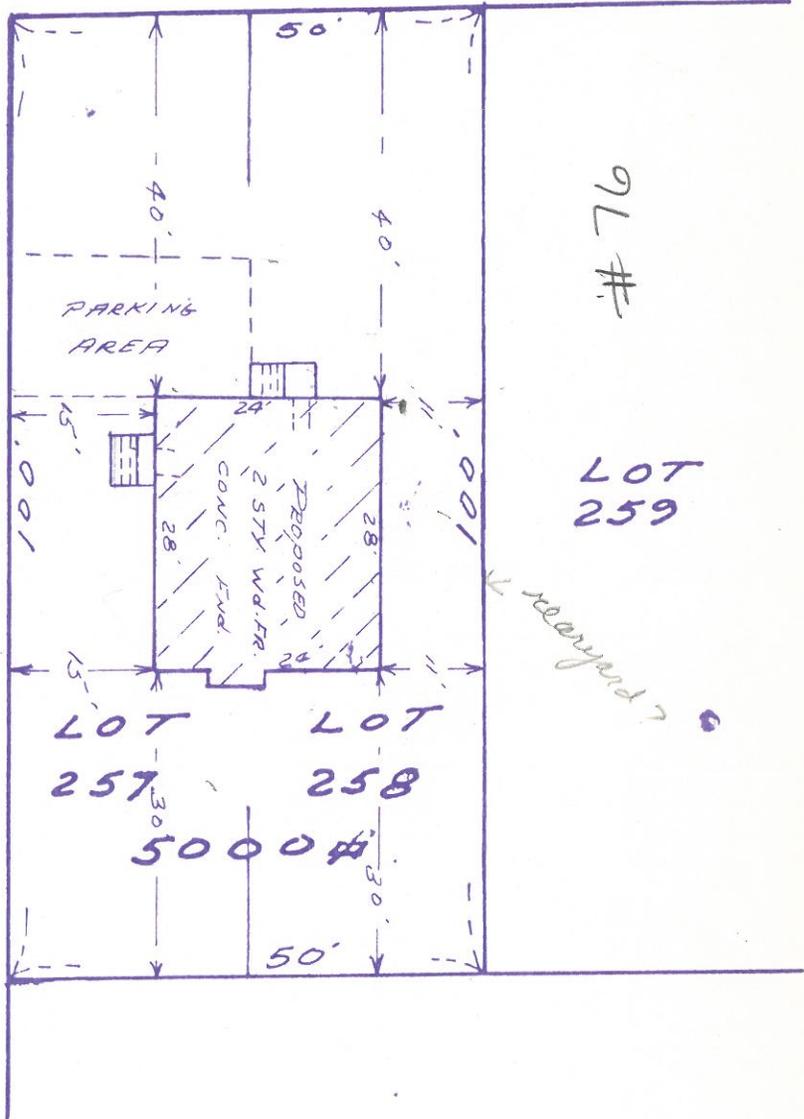
  
John A. Donovan, Jr.

  
Robert R. Cunningham

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MANOR AVE.

MARIGOLD AVE.

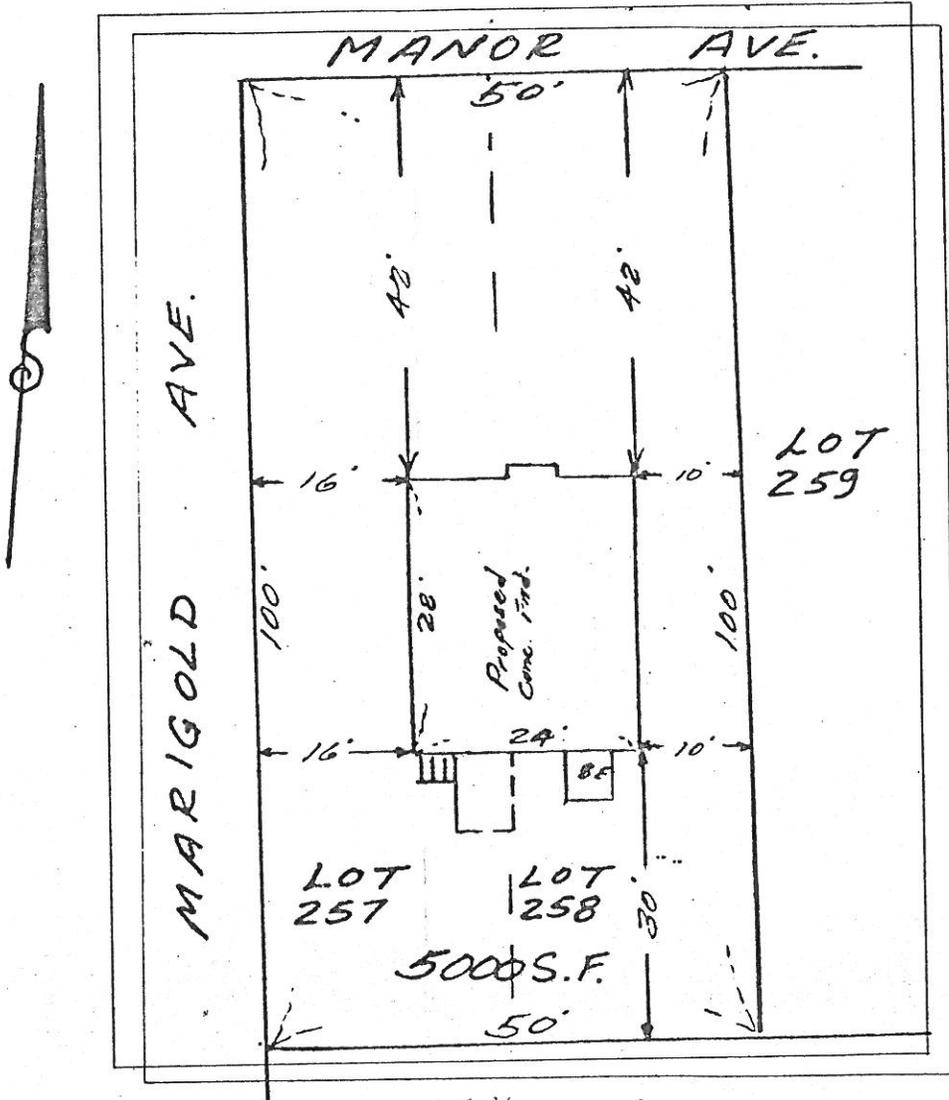


PLAN OF LAND  
IN  
WELLESLEY, MASS.  
SHOWING  
PROPOSED HOUSE  
LOCATION

SCALE: 1" = 20' DATE: JAN. 19, 1983  
FREDERICK R. JOYCE CO.  
ARLINGTON, MASS.

#8 Marigold

CERTIFIED PLOT PLAN



1" = 20'

3-23-83

**FREDERICK R. JOYCE COMPANY**  
Suite #2 99 Massachusetts Ave.  
ARLINGTON, MA 02174  
(617) 646-5550

