



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  
~~XXX-XXXX~~  
431-1019

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

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MASS.  
APR 27 9 46 AM '87

ZBA 87-21

Petition of John L. & Kathleen M. Daly  
128 Oakland Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, March 26, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B), Town Hall, 525 Washington Street, Wellesley on the petition of JOHN L. & KATHLEEN M. DALY requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow the construction of a two-story addition approximately 22 feet by 45 feet at the rear of their dwelling at 128 Oakland Street at the corner of Putney Road leaving less than the required setback from Putney Road. Said addition will include a family room, bath, and 2-car garage on the first floor and two bedrooms and two baths on the second floor.

On March 5, 1987 the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was John Daly, who introduced his wife and three children. Mr. Daly stated that the lot is unusually shaped, that the house was constructed in the late 1800's and is too small for his family. The existing garage would be demolished. A variance is requested for the setback from Putney Road. A letter of support from neighbors was presented to the ZBA.

Statement of Facts

The property in question is located at 128 Oakland Street at the corner of Putney Road, containing 15,642 square feet of land. A non-conforming dwelling exists on the lot, built in the late 1800's, with a setback of 14.3 feet from Putney Road. A detached garage exists on the lot.

The petitioner proposes a two-story addition approximately 22 feet by 45 feet at the rear of the dwelling, leaving a setback from Putney Road of 18.2 feet. The addition would include a family room, bath and two-car garage on the first floor and two bedrooms and two baths on the second floor. The addition would not come as close as the existing house to Putney Road. The existing detached garage would be demolished.

A Plot Plan was presented, drawn by Sidney R. Vaughan, Registered Land Surveyor, of Cheney Engineering Co. Inc., Needham, dated September, 1986, revised 1/21/87. Construction plans were submitted, drawn by JFF Architectural Design Consultant. Photos were also submitted.

Petition of John L. & Kathleen M. Daly  
128 Oakland Street

The Planning Board on March 17, 1987 voted to offer no objection to the request based on there being no further encroachment on the inadequate yard.

A petition dated March 26 was received signed by 8 neighbors in support of the request. A letter dated March 27, 1987 was received from Phyllis R. Scattergood, 124 Oakland Street, in support of the request.

Decision

This Authority has made a careful study of the evidence presented. The particular house in question in its location on the lot does not conform to the present Zoning Bylaws. The dwelling comes to 14.3 feet from Putney Road.

It is the opinion of this Authority that the proposed two-story addition conforms to the present lines of the house and does not alter the relationship of the house to Putney Road. It is the opinion of this Board that, because of the shape of the lot and the location of the house on the 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 may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted to construct a two-story addition at 128 Oakland Street, said addition approximately 22 feet by 45 feet as shown on the Plot Plan by Sidney R. Vaughan, Registered Land Surveyor, dated September, 1986, revised 1/21/87, coming no closer than 18.2 feet from Putney Road.

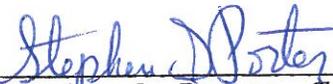
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

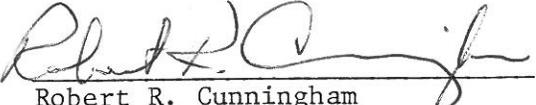
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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  
 Inspector of Buildings

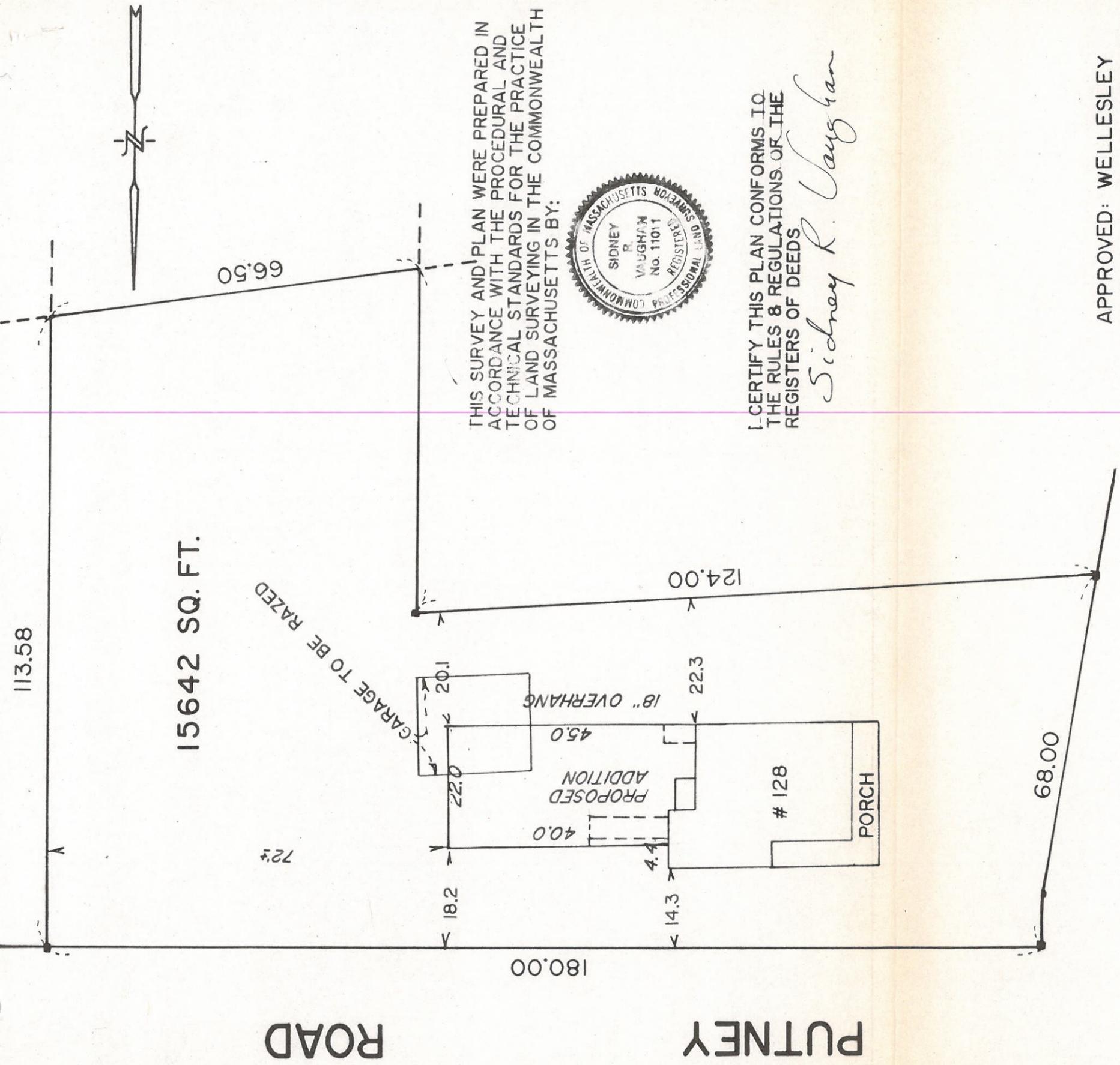
mam

  
 Stephen S. Porter, Chairman

  
 Robert R. Cunningham

  
 William E. Polletta

APR 27 9 46 AM '87  
 TOWN CLERK'S OFFICE  
 TOWN OF MASS.



15642 SQ. FT.

GARAGE TO BE RAZED

THIS SURVEY AND PLAN WERE PREPARED IN ACCORDANCE WITH THE PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS BY:



I CERTIFY THIS PLAN CONFORMS TO THE RULES & REGULATIONS OF THE REGISTER OF DEEDS  
*Sidney R. Vaughan*

OAKLAND (PUBLIC, 40' WIDE) STREET

PLAN OF LAND IN

WELLESLEY, MASS

SCALE: 1 IN. = 20 FT.  
 DATE: SEPT. , 1986  
 REVISED JAN. 21, 1987  
 CHENEY ENGINEERING CO., INC.  
 32 JUNCTION ST.  
 NEEDHAM, MASS.

APPROVED: WELLESLEY ZONING BOARD OF APPEALS  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 DATE: \_\_\_\_\_

ASSESSOR'S PLANS: 38, 46  
 SINGLE RESIDENCE ZONE

RECEIVED  
 CLERK'S OFFICE  
 WELLESLEY, MASS.  
 MAR 5 11 36 AM '87