



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
JOHN A. DONOVAN, JR.
ROBERT R. CUNNINGHAM

MARY ANN McDUGALL
Executive Secretary
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WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

ZBA 87-23

Petition of William H. & Shirley J. Emerson
115 Westgate Road

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 WILLIAM H. & SHIRLEY J. EMERSON requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to bring the existing non-conforming dwelling at 115 WESTGATE ROAD into conformance with the Zoning Bylaws. Said property has less than the required left (southerly) side yard.

On March 15, 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 Mr. Emerson, who stated that the house was built in 1960. It was recently discovered that the left side yard is 18.88 feet, the requirement being 20 feet. They wish a variance to bring the existing house into conformance with the Zoning Bylaws.

No others were present at the hearing expressing favor or opposition to the request.

Statement of Facts

The property in question is located at 115 Westgate Road, containing 20,219 square feet of land. The dwelling was constructed in 1960.

The Emersons have recently discovered that the left (southerly) side yard is 18.88 feet, the Zoning Bylaw requirement being 20 feet. They request a variance to bring the existing house into conformance with the Zoning Bylaws.

A Plot Plan was submitted, drawn by George N. Giunta, Registered Land Surveyor, dated January 20, 1987. Photos were also presented.

The Planning Board on March 17, 1987 voted to recommend denial of the request as explained in a letter of March 23, 1987.

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Decision

This Authority has made a careful study of the evidence submitted and is of the opinion that the existing dwelling is not in conformance with the Zoning Bylaws of the Town.

This Board is of the opinion that a literal enforcement of the provisions of the Zoning Bylaw 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 of the Zoning Bylaw.

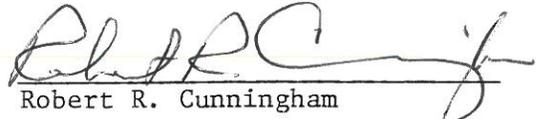
Therefore, the requested variance from the terms of Section XIX of the Zoning Bylaw and pursuant to Section XXIV-D of the Zoning Bylaw is granted to allow the existing dwelling at 115 Westgate with a left (southerly) side yard of 18.88 feet as shown in the Plot Plan by George N. Giunta, Registered Land Surveyor, dated January 20, 1987.

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.

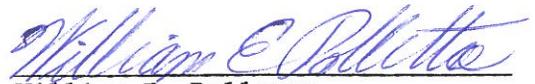
cc: Planning Board
Inspector of Buildings
mam



Stephen S. Porter, Chairman

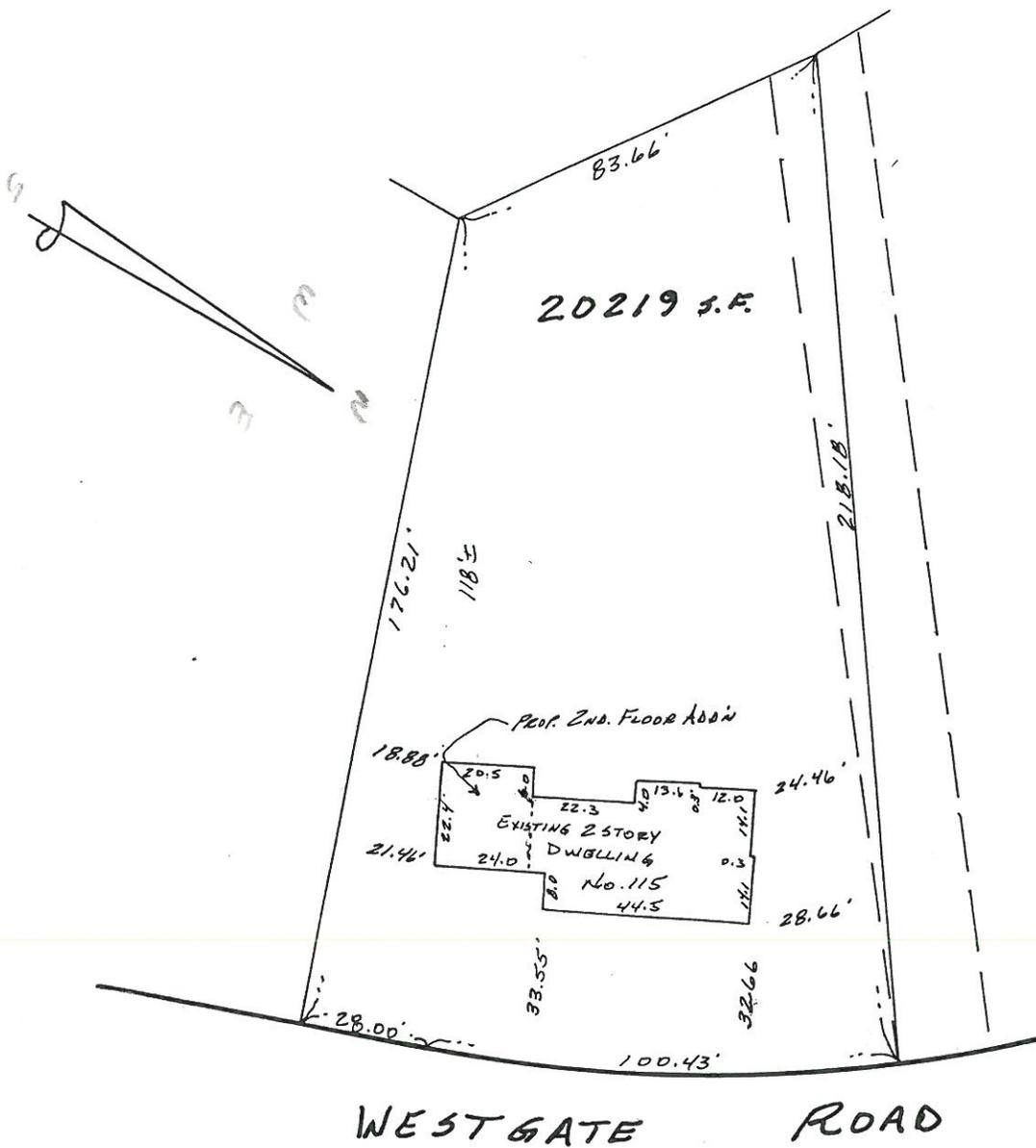


Robert R. Cunningham



William E. Polletta

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PLAN of LAND
IN
WELLESLEY-MASS.

JAN. 20, 1987 SCALE 1"=40'



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GEORGE N. GIUNTA R.L.S.
76 NEHDIDEN ST.
NEEDHAM, MASS.