



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 87-49

Petition of G. & A. Family Trust (Gerald E. Josephson, Trustee)
41 Maurice Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, June 25, 1987 at 8 p.m. in the Selectmen's Meeting Room of the Town Hall at 525 Washington Street, Wellesley on the petition of G & A Family Trust, (Gerald E. Josephson, Trustee) requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to bring the existing dwelling at 41 MAURICE ROAD into conformance with the current Zoning Bylaws of the Town. Said dwelling has less than the required westerly side yard.

On June 3, 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. Josephson, who stated that they bought the house in March, 1987 at which time it was discovered that the rear corner of the porch was in violation of the Zoning Bylaws. The porch existed since 1954.

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

Statement of Facts

The property in question is located at 41 Maurice Road at the corner of Crown Ridge Road, containing 12,880 square feet of land. A dwelling exists on the lot with a rear porch that leaves a westerly side yard of 18 feet.

Mr. and Mrs. Josephson purchased the property in March 1987. They are requesting a variance to bring the existing dwelling into conformance with the current Zoning Bylaws.

A Plot Plan was presented, drawn by Malcolm N, Johnston, Registered Land Surveyor of 1026 Mass. Ave., Arlington, Ma., dated April 2, 1987. Photos were also presented.

The Planning Board on June 16, 1987 voted to offer no objection to the variance request.

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Petition of G. & A. Family Trust (Gerald E. Josephson, Trustee)
41 Maurice Road

Decision

This Authority has made a careful study of the evidence submitted, and is of the opinion that the existing dwelling at 41 Maurice Road 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 a 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.

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 41 Maurice Road with a westerly side yard of 18 feet as shown in the Plot Plan by Malcolm N. Johnston, R.L.S. of Arlington, Ma., dated April 2, 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.

Stephen S. Porter
Stephen S. Porter, Chairman

Robert R. Cunningham
Robert R. Cunningham

William E. Polletta
William E. Polletta

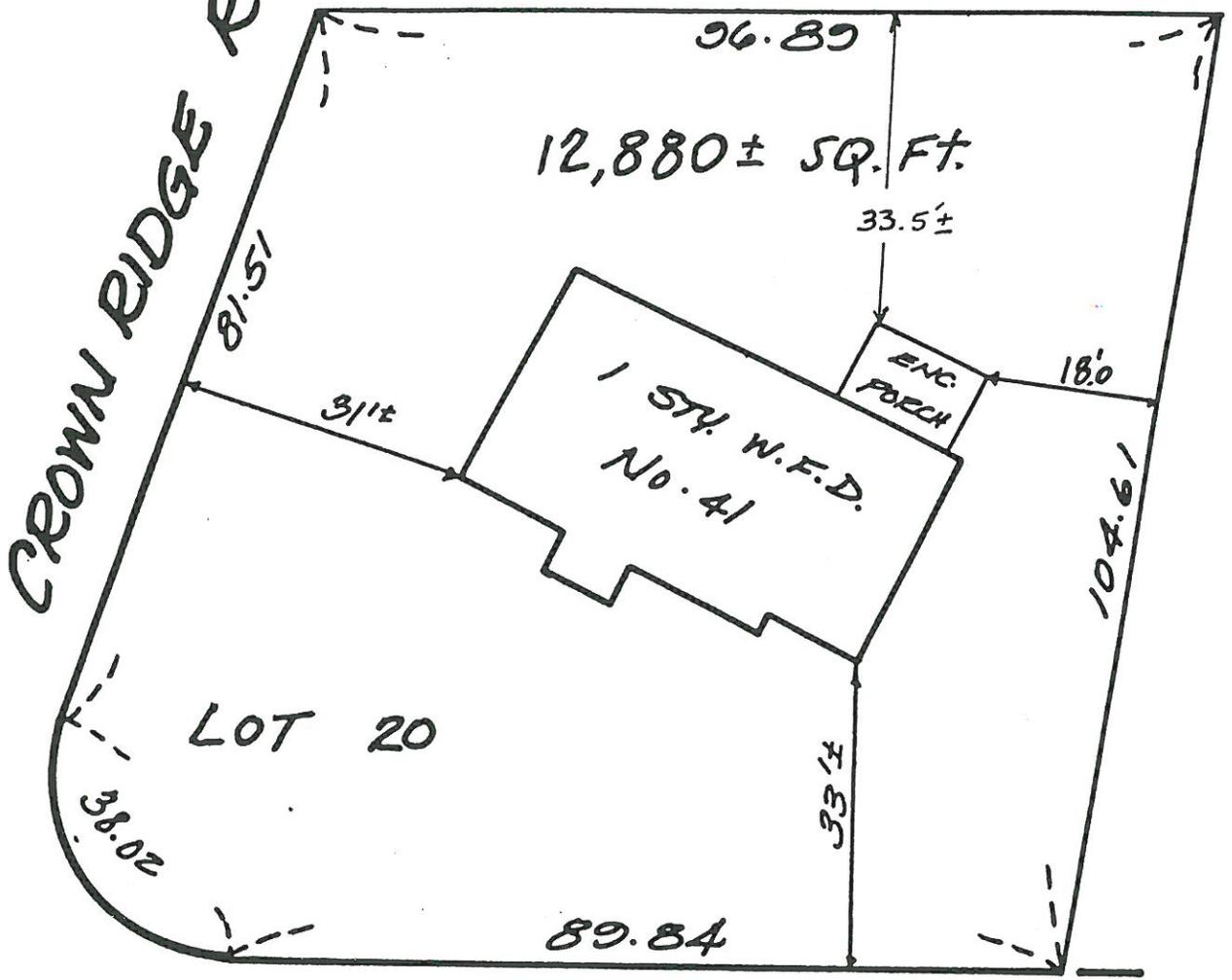
CC: Planning Board
Inspector of Buildings

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WILMINGTON, MASS.

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CROWN RIDGE ROAD



LOT 20

12,880± SQ. FT.

1 STY. W.F.D.
No. 41

ENC.
PORCH

MAURICE ROAD

CERTIFIED
PLOT PLAN OF LAND
WELLESLEY • MASS.

PREPARED FOR
GERALD & ARLENE R. JOSEPHSON
TO ACCOMPANY AN APPLICATION FOR A VARIANCE
APRIL 2, 1987
SCALE: 1" = 20'



I hereby certify that the structures shown on this plan were located by an instrument survey on the ground.

Malcolm N. Johnston
PROFESSIONAL LAND SURVEYOR

MALCOLM N. JOHNSTON CO., INC.
1026 MASSACHUSETTS AVENUE
ARLINGTON, MA. 02174