



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-44
Petition of Stewart and Caroline Savage
1 Jackson Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, June 23, 1988 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley on the petition of STEWART AND CAROLINE SAVAGE requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow their non-conforming dwelling at 1 JACKSON ROAD, in a Single Residence District, to be brought into conformance with the current Zoning Bylaw of the Town. Said dwelling has less than the required front setback from OAKLAND ROAD.

On June 6, 1988 the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case was Caroline Savage who said that the house had been built in 1956 and that the setback from Oakland Street was lacking 1.8 feet.

No others present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 1 Jackson Road, in a Single Residence District, on a 16,447 square foot lot with a minimum front clearance of 28.2 feet from Oakland Road. The requirement is 30 feet. The house was built in 1956 and the violation has existed since that time. The Savages wish to bring the property into conformance with the current Zoning Bylaw at this time.

A Plot Plan, dated April 29, 1988, drawn by Philip D. Lukens, Registered Land Surveyor of GLM Engineering Consultants, Inc. and photographs were submitted.

The Planning Board, on June 14, 1988, voted to offer no objection to the petition.

Decision

This Authority has made a careful study of the evidence submitted, and is of the opinion that the existing dwelling at 1 Jackson Road is not in conformance with the Zoning Bylaw of the Town.

The Board is of the opinion that a literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship to the petitioner, and that the allowance of a variance would not be detrimental to the neighborhood nor would it be in derogation of the intent or purpose of the Zoning Bylaw.

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Therefore, the requested variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw is granted to allow the existing dwelling with a minimum front setback of 28.2 feet from Jackson Road, as shown in the Plot Plan described in the Statement of Facts, to be brought into conformance with the current Zoning Bylaw of the Town.

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.


John A. Donovan, Jr., Chairman


Robert R. Cunningham


William E. Polletta

cc: Planning Board
Inspector of Buildings

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