TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

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

ZBA 89-23
Petition of Sarah and Stephen Murcko
24 Thackeray Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 25, 1989 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 SARAH AND STEPHEN MURCKO requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow the existence of a dwelling located at 24 THACKERAY ROAD, in a Single Residence District, with less than the required left side yard. Said request is made in order to bring the dwelling into conformance with the current Zoning Bylaw of the Town.

On May 5, 1989, the petitioners 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 William Mone, attorney for the Murckos, who was accompanied by Mrs. Murcko and Mr. and Mrs. Paul Egerton, the former owners. Mr. Mone said that at the closing on the recent sale of the property, the bank's attorney discovered that the left side yard requirement at the rear of the property had not been met. After investigation, it has been determined that the violation is long standing. When the house was built in 1950, it was constructed too close to the left side line. The property has changed hands several times, but the plot plans always showed the property to be conforming. It was not until the latest plot plan was drawn that the violation was discovered. The Murckos are requesting that the property be brought into conformance so there will be no problems in the future.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 24 Thackeray Road, in a Single Residence District, on a 30,116 square foot lot with a minimum left side yard clearance of 16 feet 6 inches. The house was constructed in 1950. Although the property has changed hands several times, the plot plans always have shown the property to be conforming. The Murckos recently purchased the property, and at the closing, discovered that the latest plot plan showed the property to be non-conforming. The left rear corner of the dwelling is 16 and 1/2 feet from the left side line, the requirement being 20 feet.

A Plot Plan, dated April 7, 1989, drawn by John J. Regan, Registered Land Surveyor, was submitted.

The Planning Board, on May 8, 1989, voted to offer no objection to the granting of the variance request.

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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 at 24 Thackeray Road is not in conformance with the current Zoning Bylaws 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 or be in derogation of the intent or purpose of the Zoning Bylaw.

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 at 24 Thackeray Road, with a minimum left side yard of 16 and 1/2 feet, as shown in the Plot Plan described in the foregoing Statement of Facts.

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

Kendall P. Bates

cc: Planning Board
Inspector of Buildings

edg

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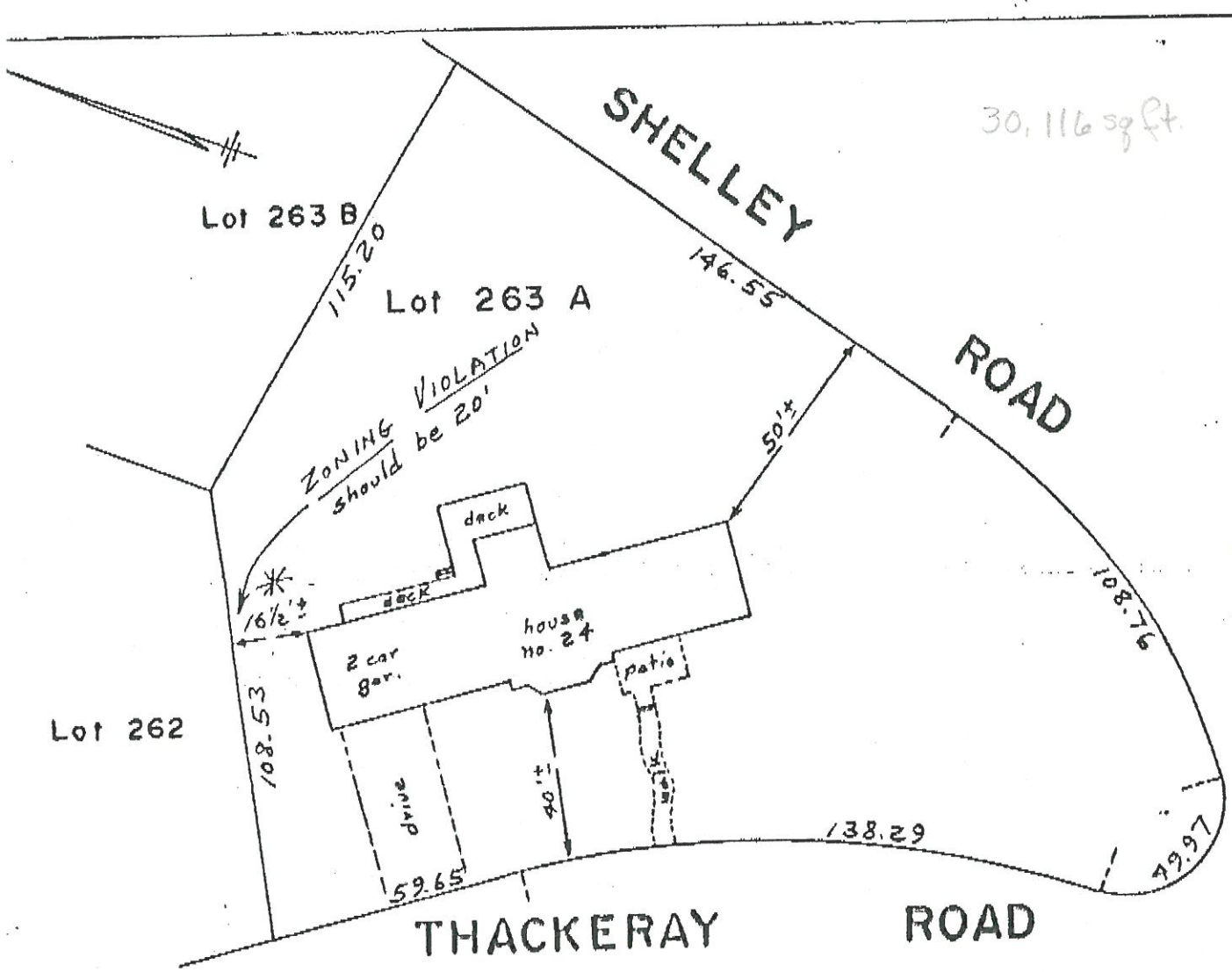

I certify that this house is located as shown. The house does not comply with the zoning laws of The Town of Wellesley. The left rear garage corner of the house is 16½'± from the side lot line. The zoning laws require a sideyard setback of 20'.

I further certify that the house is not in the special flood hazard area as shown on the H. U. D. Insurance Administration Map of The Town of Wellesley, Mass. (Community Identification No. 250255A.)

John J. Regan

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COMMONWEALTH OF MASSACHUSETTS
JOHN J. REGAN
No. 7001
PROFESSIONAL LAND SURVEYOR

PLAN OF LAND IN WELLESLEY MASS.

SCALE 1 IN = 40 FT

JOHN J. REGAN

APRIL 7, 1989

LAND SURVEYOR