

ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181STEPHEN S. PORTER, Chairman  
JOHN A. DONOVAN, JR.  
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Executive Secretary  
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84-52

Petition of James P. and Lynne M. Audet

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the Upper Town Hall Main Hearing Room on Thursday, September 6, 1984 at 8 p.m. on the petition of JAMES P. AND LYNNE M. AUDET requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the existence of a dwelling located at 42 OXFORD ROAD at the corner of WINGATE ROAD with less than the required setback from Wingate Road and less than the required side yard on the westerly side of the dwelling. Said request is made in order to bring the dwelling into conformance with the Zoning Bylaw and is pursuant to Section XXIV-D of the Zoning Bylaw.

On August 16, 1984, 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 Robert Santomena, Attorney with Hale and Dorr, representing the petitioners, who have moved to California. He stated that the house was constructed in the 1950's, the porch in 1973. The Audets purchased the house in 1982 and discovered recently in selling the property that it is not in conformance with the Bylaws. The prospective purchasers of the property are living in the house under lease until a variance can be granted.

No others were present favoring or opposing the request.

Statement of Facts

The property in question is located at 42 Oxford Road at the corner of Wingate Road, containing 10,625 square feet of land, in a Single Residence District. The house was constructed in the early 1950's, the porch in 1973. The Audets purchased the property in 1982 and discovered in selling the property that it is not in conformance with the zoning bylaws in regards to the setback from Wingate Road and the westerly side line. The screened porch at the rear of the property has a setback of 29.27 feet from Wingate Road, the requirement being 30 feet. The garage on the westerly side is 19.66 feet from the side line at the closest point, the requirement being 20 feet.

A Plot Plan was presented, drawn by John P. Kerwin, Registered Land Surveyor, dated July 29, 1984, from the firm Selwyn and Kerwin Associates, Belmont, Ma. Photos were also submitted.

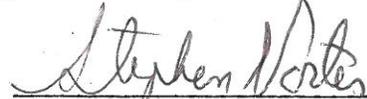
A petition, on file at the Board of Appeals, was presented in favor of the request, signed by ten owners of neighboring properties.

Decision

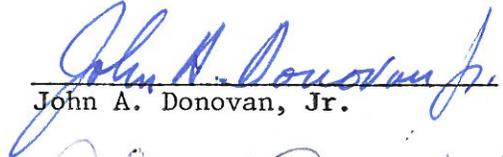
This Authority has made a careful study of the evidence submitted, and is of the opinion that the existing dwelling at 42 Oxford Road is not in conformance with the Zoning Bylaws of the Town.

This Board is of the opinion that a literal enforcement of the provisions of the Zoning Bylaw would involve 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 42 Oxford Road at the corner of Wingate Road with a setback from Wingate Road of 29.27 feet and with a westerly side yard of 19.66 feet, as shown in the Plot Plan drawn by John P. Kerwin, Registered Land Surveyor, dated July 29, 1984.



Stephen S. Porter, Chairman



John A. Donovan, Jr.



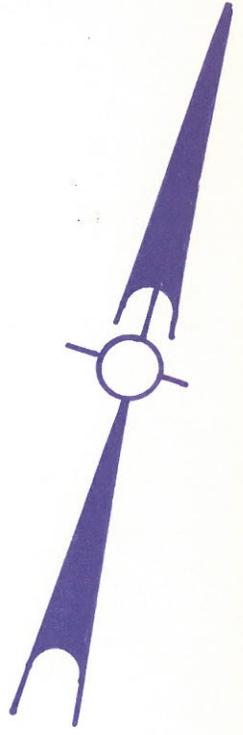
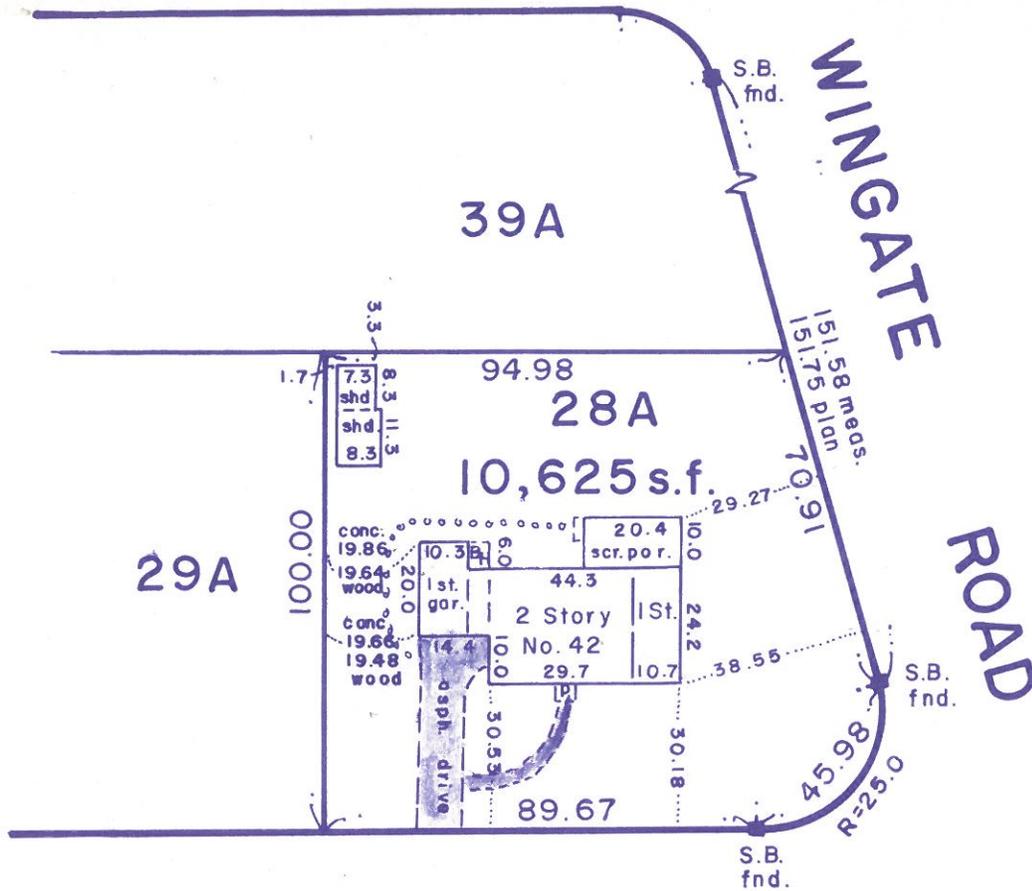
Robert R. Cunningham

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.

MAM

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AUBURN ROAD



OXFORD ROAD

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WELLESLEY MASS.  
AUG 16 3 04 PM '84

JOHN P. KIRWIN  
REGISTERED LAND SURVEYOR

*John P. Kirwin*

PLOT PLAN  
WELLESLEY, MASS.

Scale: 40 feet to an inch

JULY 29, 1984

SELWYN & KIRWIN ASSOC.-REG. LAND SURV'S.  
14 LINDEN AVE. — BELMONT, MASS.