



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
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SUMNER H. BABCOCK

ZBA 88-70
Petition of Robert and Susan Edelman
9 Beechwood Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, September 15, 1988 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley on the petition of ROBERT AND SUSAN EDELMAN requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow their non-conforming dwelling at 9 BEECHWOOD 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 left side yard. This petition was reheard on September 15, 1988 due to absence of a full Board at the August 25, 1988 Public Hearing which nullified said hearing.

On August 8, 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 at the hearing was James E. Parent, attorney for the Edelmans, who stated that the Edelmans had purchased the property in July at which time the plot plan requested by the bank showed that the left side yard was actually 18.78 feet from the chimney. Previous plot plans had not shown the chimney and had measured the left side yard as being 21.3 feet from the foundation of the dwelling to the property line. The house, including the chimney, was built in 1949. The Edelmans wish to bring the property into conformance at this time.

No other persons present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 9 Beechwood Road in a Single Residence District on a 12,049 square foot lot with a minimum left side yard clearance of 18.78 feet.

The dwelling was constructed in November, 1949. The plot plan submitted with the Building Application at that time showed a left side yard of 21.3 feet measured from the foundation. The new plot plan shows a measurement of 18.78 feet from the chimney to the left side lot line.

The petitioners request a variance to bring said property into conformance with the current Zoning Bylaw of the Town.

A Plot Plan dated July 8, 1988, drawn by Robert E. Bissonnette, Registered Land Surveyor; a letter dated July 28, 1988, signed by James E. Parent; a copy of Permit No. 10185 issued for the construction of the dwelling on November 14, 1949; and photographs were submitted.

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The Planning Board, on August 9, 1988, voted to offer no objection to this request.

Decision

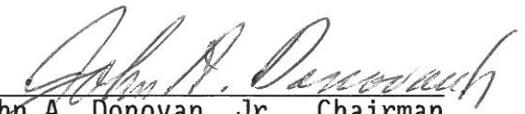
This Authority has made a careful study of the evidence presented. The subject house does not conform to the present Zoning Bylaw as noted in the foregoing Statement of Facts.

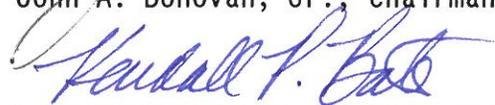
This Board is of the opinion that a literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship to the petitioners and that the allowance of a variance would not be detrimental to the neighborhood nor be in derogation of the intent or purpose of the Zoning Bylaw.

Therefore, a 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 9 Beechwood Road with a left side yard of 18.78 feet, as shown in the Plot Plan dated July 8, 1988, drawn by Robert E. Bissonnette, Registered Land Surveyor; to be brought into conformance with the current Zoning Bylaw of the Town.

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
edg

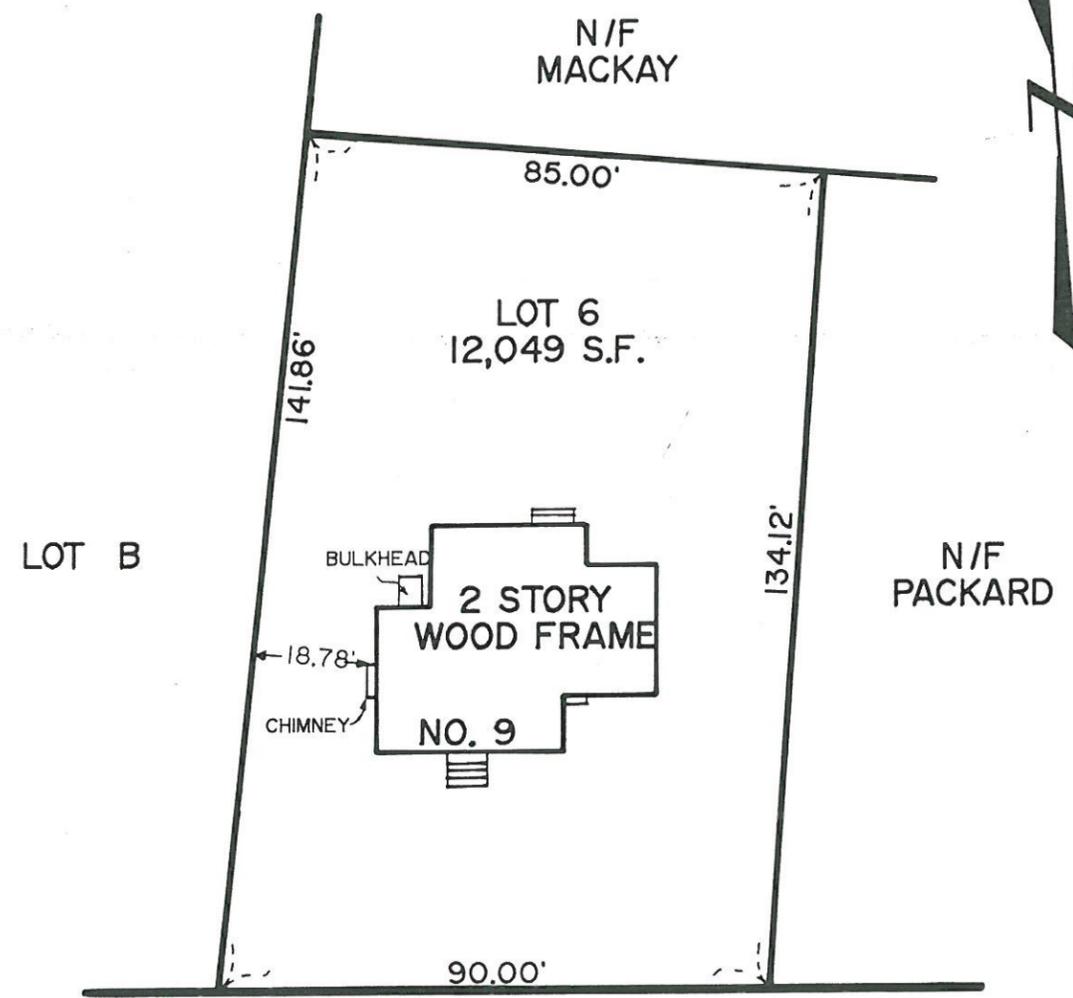

John A. Donovan, Jr., Chairman


Kendall P. Bates


William E. Polletta

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I CERTIFY THAT THE LOCATION
OF THE HOUSE SHOWN HEREON,
IS THE RESULT OF AN INSTRUMENT
SURVEY MADE ON THE GROUND ON
JULY 1, 1988.



Robert E. Bissonnette

AS BUILT
PLAN OF LAND
IN
WELLESLEY
MASSACHUSETTS
NO. 9 BEECHWOOD ROAD
JULY 8, 1988
SCALE 1" = 30'

BEECHWOOD ROAD



DES LAURIERS & ASSOCIATES, INC.
1256 PARK STREET SUITE 202
STOUGHTON, MASSACHUSETTS 02072
PROFESSIONAL LAND SURVEYORS
38070S

EXHIBIT A