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ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ROBERT R. CUNNINGHAM
KENDALL P. BATES

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Executive Secretary
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431-1019

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FRANKLIN P. PARKER
SUMNER H. BABCOCK

ZBA 88-95
Petition of Allan and Judith Drachman
115 Mayo Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, November 17, 1988 at 8 p.m. in the Great Hall of the Town Hall, 525 Washington Street, Wellesley on the petition of ALLAN AND JUDITH DRACHMAN, requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow construction of an addition approximately 10 feet by 27 feet 10 inches at the rear of their non-conforming dwelling at 115 MAYO ROAD, in a Single Residence District, said addition to leave less than the required right side yard. A variance is also requested from Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to bring said non-conforming property with less than the required right side yard into conformance with the current Zoning Bylaw of the Town.

On October 31, 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 John MacDougall, contractor for the Drachmans, who stated that the original plot plan, drawn 15 years ago, showed the right side yard to be adequate, but the plot plan recently drawn for the proposed addition showed an inadequate right side yard. The addition conforms to the existing line of the house.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 115 Mayo Road, in a Single Residence District, on a 10,388 square foot lot, with a minimum right side yard clearance of 18.16 feet. The property is also located within 100 feet of Sunnyside Brook.

The petitioners are requesting a variance to construct an addition approximately 10 feet by 27 feet 10 inches on the right rear side of their dwelling, which would leave a minimum right side yard clearance of 17.98 feet. A variance is also requested to bring their non-conforming property with said inadequate right side yard into conformance with the current Zoning Bylaw of the Town.

A Plot Plan dated September 21, 1988, drawn by John J. Regan, Registered Land Surveyor; undated, unsigned construction plans; and photographs were submitted.

An Order of Conditions, DEQE 324-154, was issued on September 27, 1988 by the Wellesley Wetlands Protection Committee in regard to the proposed construction.

The Planning Board, on November 1, 1988, voted to offer no objection to the request.

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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.

It is the opinion of this Authority that the proposed addition conforms to the present lines of the house and that the further encroachment of .18 feet on the right side yard is de minimus and can be allowed.

It is the opinion of this Authority that, because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, a variance is granted to build the addition subject to construction in accordance with the Plot Plan and construction plans as submitted and described in the foregoing Statement of Facts, said addition coming no closer than 17.98 feet from the right side lot line, and subject to all conditions set forth in the Order of Conditions, DEQE 324-154, granted by the Wellesley Wetlands Protection Committee.

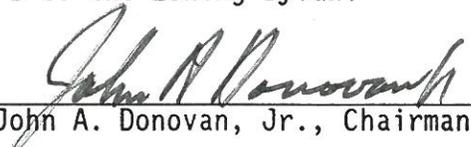
A variance is also granted from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow the existing dwelling at 115 Mayo Road with an inadequate right side yard as noted in the foregoing Statement of Facts.

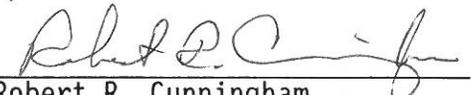
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

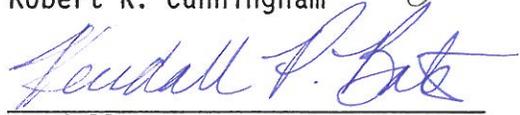
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

cc: Planning Board
Wetlands Protection Committee
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Robert R. Cunningham


Kendall P. Bates

Allan W. & Judith S. Drachman

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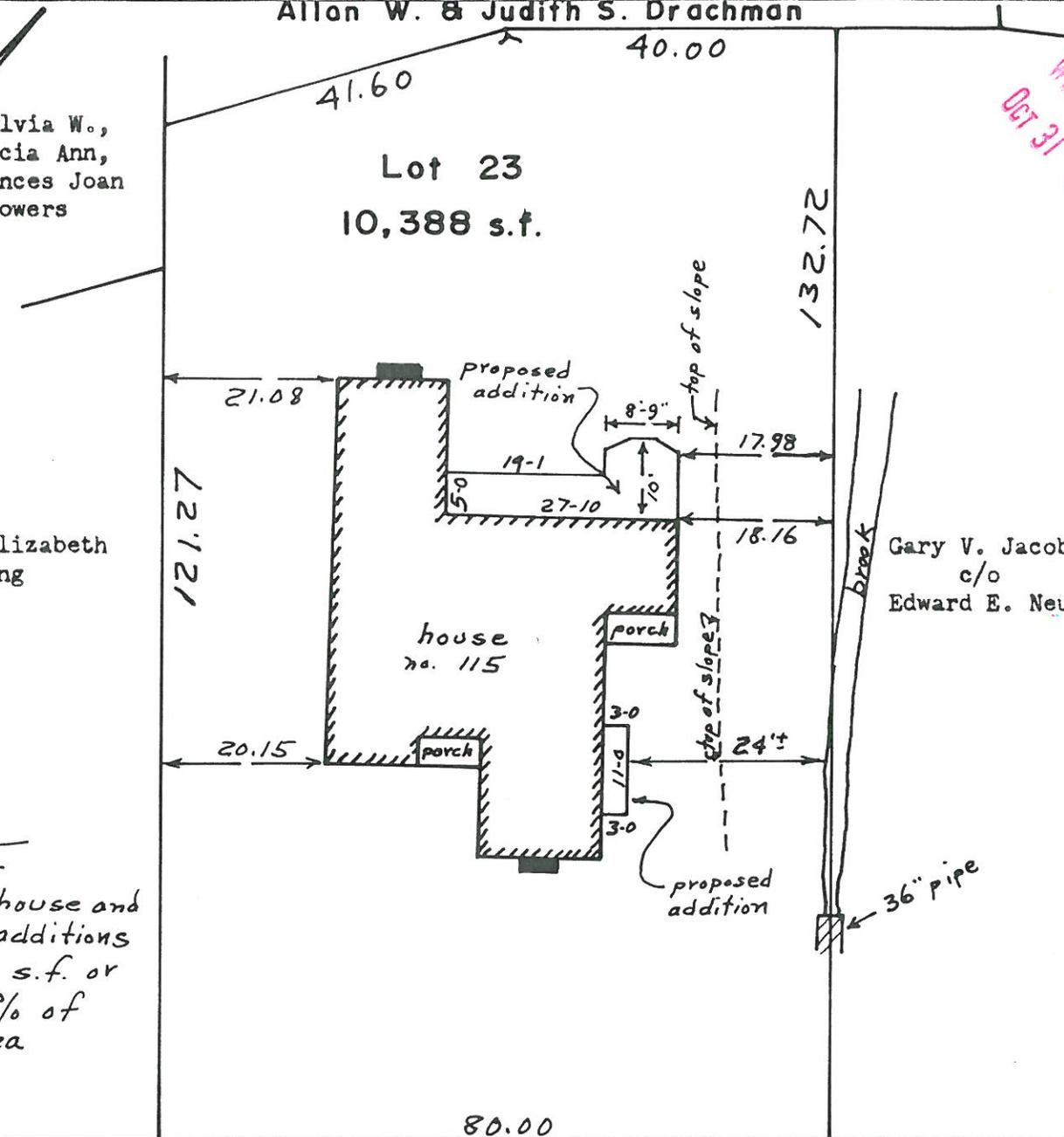
Sylvia W.,
Patricia Ann,
& Frances Joan
Powers

Lot 23
10,388 s.f.

Thomas & Elizabeth
Fleming

Gary V. Jacobson
c/o
Edward E. Neuman

Coverage -
Existing house and
proposed additions
= 1699± s.f. or
16.4% of
lot area



MAYO ROAD
 PLAN OF LAND
 IN
 WELLESLEY MASS.
 TO ACCOMPANY THE PETITION OF
 ALLAN W. & JUDITH S. DRACHMAN
 115 MAYO ROAD
 WELLESLEY



John J. Regan

SCALE 1 IN = 40 FT
JOHN J. REGAN
NEWTON HIGHLANDS

SEPT. 21, 1988
LAND SURVEYOR
MASS.