



~~STANLEY W. WRIGHTON, CHAIRMAN~~  
 BURTIS S. BROWN  
 THOMAS M. REYNOLDS

BOARD OF APPEAL

KATHARINE E. TOY, CLERK  
 TELEPHONE  
 WE. 5-1664

Sherman J. L. Brown

Petition of Helen W. Perry

Pursuant to due notice the Board of Appeal held a public hearing in the Upper Town Hall at 8:10 p.m. on May 1, 1952 on the petition of Helen W. Perry for an exception from the terms of Section 9-A, Area Regulations, of the Zoning By-law to permit the erection of a dwelling house on Lot No. 117 Brook Street and on Lot numbered 175 Benvenue Street, both of which contain less than the required area.

Statement of Facts

Said Section 9-A requires a lot area of at least 20,000 square feet for residences in the district here involved. The lots in question contain 19,976 square feet and 18,038 square feet respectively.

On April 19, 1952 the petitioner filed with this Board her written request for a special exception to said Section, and thereafter due notice of the hearing was given by mailing and publication.

At the hearing the petitioner was represented by her son, Frederick Perry who stated that the petition is for the approval of two of three lots owned by his mother at the corner of Brook and Benvenue Sts. These lots were laid out and on record at the Registry of Deeds, dated June 15, 1949, book 2837, page 17, and at that time complied with the lot area requirement of 15,000 square feet. However, as a result of an amendment made to the Zoning Map on June 21, 1951, said lots were put into a 20,000 square foot lot district, and consequently could no longer be used as house lots unless a variance is granted.

Mr. Perry pointed out that at the time the land was subdivided, the petitioner laid out larger lots than required and in addition sold approximately 4,639 square feet to the adjoining property owner to enlarge his lot.

The third lot contains 20,012 square feet and is therefore not in question. The Lot numbered 176 contains 19,976 square feet, a shortage of only twenty-four square feet. The Lot numbered 117 contains 18,038 square feet and adjoins a seventy-nine foot driveway which is the entrance to the house at 115 Brook Street.

Dr. Copeland Merrill, 114 Brook Street appeared and spoke in favor of granting the requested variance.

The following persons appeared and spoke of the future development of surrounding property and the possibility of widening Brook Street at the corner of Benvenue Street: Robert F. Thompson, 115 Brook Street, Arthur N. Gorham, 170 Benvenue Street, Edith Melcher, 14 Woodridge Road, Louise G. Ross, 113 Brook Street, and Stuart Meiklejohn, 126 Brook Street.

Decision

Both of the lots in question have frontages of approximately 150 feet. The deficiency in the area of lot numbered 176 is negligible. Both lots are in a neighborhood generally developed by the construction of houses on lots smaller than that prescribed by present zoning requirements. Lot numbered 117 abuts a private driveway leading to 115 Brook Street. In all probability this driveway will never be built upon.

It is the unanimous opinion of the Board that compliance with the requirements of Section 9-A of the Zoning By-law would involve substantial hardship to the petitioner, and that the granting of a variance will not prove a substantial detriment to the public good and will not substantially derogate from the intent and purpose of said Section.

Accordingly, a variance is authorized and granted, and the Inspector of Buildings is authorized to issue a permit for the construction of a dwelling on each of said lots numbered 117 and 176 at the corner of Brook Street and Benvenue Street.

B. S. Brown  
Burtis S. Brown

J. M. Reynolds  
Thomas M. Reynolds

Sherman J. L. Brown  
Sherman J. L. Brown

May 26, 1952.

PLAN OF LAND  
 WELLESLEY, MASS.  
 OWNED BY  
**HELEN W. PERRY**  
 Scale: 1" = 50'  
 April 23, 1949  
 GLEASON ENGINEERING CO.

