



GARRETT S. HOAG
JOHN L. HAYDEN
DANA T. LOWELL

BOARD OF APPEAL

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

Petition of Joseph W. and Alice E. Gurcan

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:20 p.m. on March 21, 1963 on the petition of Joseph W. and Alice E. Gurcan requesting an exception from the terms of Section XIX of the Zoning By-law which will permit them to construct a dwelling on Lot 36, Wilson Street with a side yard less than the required thirty feet. Said request was made under the provisions of Section XIX of the Zoning By-law and Chapter 40A, Section 15 of the General Laws.

John B. Dolan, attorney, represented the petitioners at the hearing.

On March 16, 1963, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The lot involved is located within a single-residence district requiring a minimum lot area of 10,000 square feet. It is a lot within a resubdivision which was certified by the Planning Board on June 4, 1959 that, "Approval under the Subdivision Control Law not required." The lot is a corner lot and contains 10,473 square feet.

The petitioners seek permission to construct a dwelling fifty feet wide and thirty-four feet deep on the lot, twenty feet from the southerly lot line and ten feet from the northerly boundary line of the lot on Cottonwood Road, so called, as shown on the plot plan submitted. Though shown on the plan Cottonwood Road has never been built and can never be built because the Town took the northern twenty feet of the area shown on the plan as Cottonwood Road (formerly Hopkinson Street) for park purposes in 1903 when it acquired a parcel of land at the rear for the same purpose. Hopkinson Street was first laid out and the plan thereof put on record in 1853. The lot here involved carried not merely to the edge but to the center of Cottonwood Street. There the proposed building will actually not be less than thirty feet from the northerly lot line, though it must be admitted that the northerly twenty feet of said lot are technically still subject to an easement of passage and will remain so until Cottonwood Street is abandoned of record as it is in fact. However, for the petitioner to be deprived of the use of said area in the meantime, would entail substantial hardship.

These facts affect no other parcel in the district.

Decision

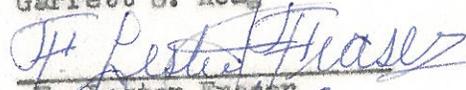
In 1961, this Board considered a similar request made by the petitioners to construct a dwelling on the lot involved. At that time, however,

no evidence was submitted relative to the lot boundaries or the status of Cottonwood Road.

The Board has considered the petition for a variance under Section 15, Chapter 40A of the General Laws and finds that owing to conditions affecting the land involved but not affecting generally the zoning district a literal enforcement of the provisions of the by-law would involve substantial hardship to the petitioner, and that desirable relief may be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of such ordinance.

Accordingly, the requested variance from the Zoning By-law is granted and the Inspector of Buildings directed to issue a permit for a dwelling in accordance with the plan submitted and on file.


Garrett S. Hoag

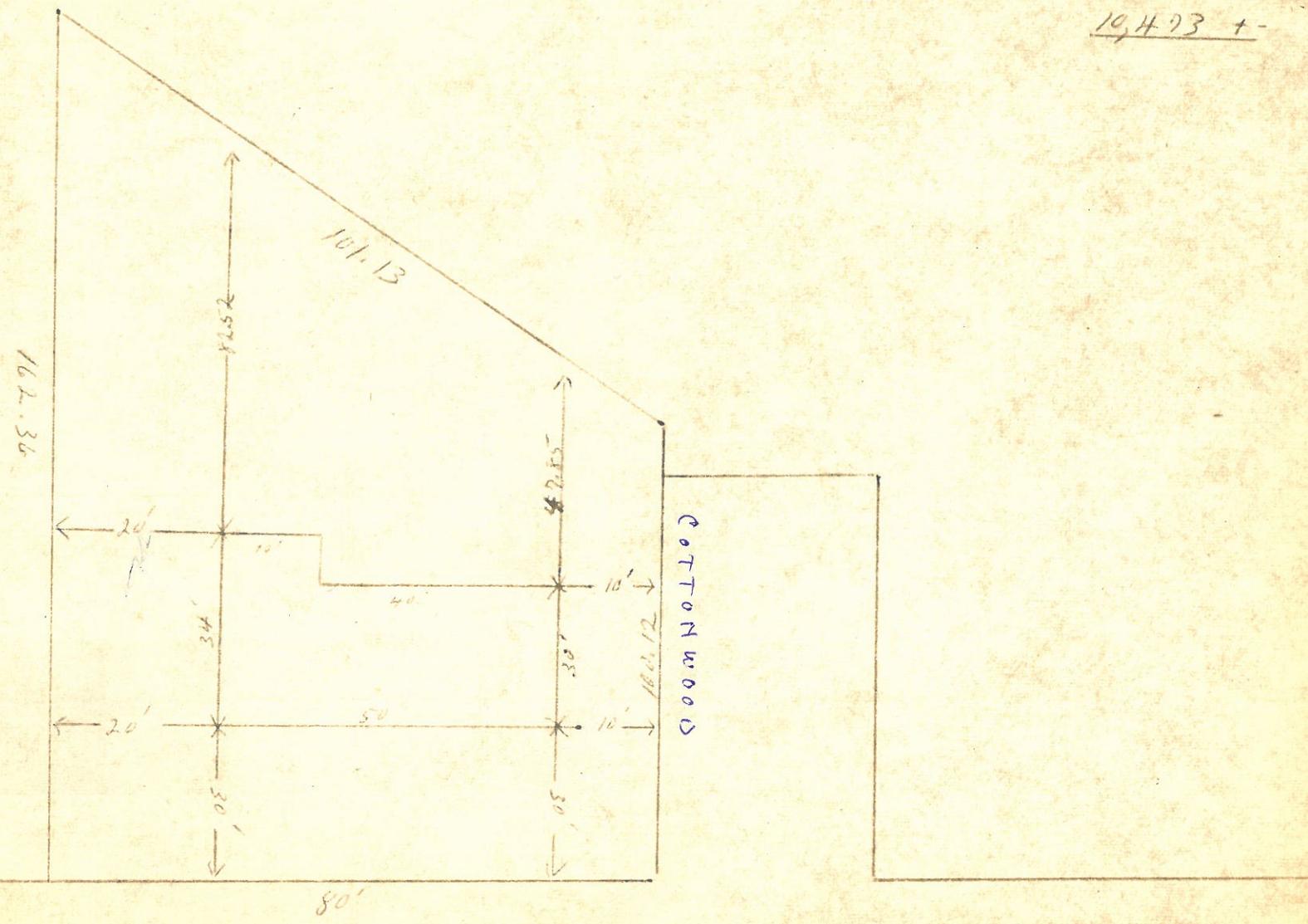

F. Lester Fraser


Dana T. Lowell

Filed with Town Clerk _____

1963 VBR 12 31 4: 41
WETTERSTEN, MARY
TOWN CLERK'S OFFICE
RECEIVED

PLAN OF LOT 36 WILSON ST.
10,473 +/-



WILSON STREET