



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

BOARD OF APPEAL

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

Petition of Stuart A. and Dorothea D. Marshall

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 8:05 p.m. on May 9, 1963, on the petition of Stuart A. and Dorothea B. Marshall requesting an exception from the terms of Section XIX of the Zoning By-law which would permit them to construct a connection between their existing dwelling and garage at 5 Grantland Road. Said connection would create a violation of Section XIX of the Zoning By-law which requires a twenty-foot side yard.

Stuart A. Marshall spoke in support of the petition.

Ernest H. Curran, the petitioners' builder explained in detail the proposed construction.

The Planning Board opposed the granting of the request.

Statement of Facts

The house involved is located within a single-residence district requiring a minimum lot area of 10,000 square feet. The house was built in 1921 on a lot containing 12,854 square feet. It presently has a one-car detached garage which is located eleven feet from the lot line on the southerly side and approximately twenty feet from the dwelling. The petitioners seek permission to construct an additional one-car garage and a breezeway which, if built, will form a connection between the existing dwelling and detached garage. A plot plan drawn by Gleason Engineering Company, dated April 18, 1963, was submitted which showed the existing buildings on the lot as well as the proposed addition. Elevation plans were also submitted showing the proposed addition.

Decision

The house and garage if built today in their present locations would be in complete compliance with the provisions of both the Zoning By-law and the Building Code with respect to the location of buildings. The provision of the Zoning By-law requiring a side yard of not less than twenty feet expressly excepts accessory buildings from its application (see section XIX), and the Building Code would permit the present garage to be built as close as ten feet to the lot side line (Chap. IV, Sec. 1 (b)). It would, however, be a flagrant violation of the Zoning By-law to build today the buildings as it is proposed that they shall be, if the desired addition is built. An attached garage and/or breezeway is subject to the twenty-foot side yard restriction.

Although to connect the legally located garage and the house would not further encroach into the side yard, we cannot permit it. We will not use our discretion to permit to be done indirectly what may not be done directly. To do so would set a dangerous precedent. There are many hundreds, if not thousands of accessory buildings in the Town that are legally less than twenty feet from the lot side line and to permit them to be connected with the house on the lot would soon make a mockery of the side yard restrictions. Detached

accessory buildings may still be built in Wellesley within the twenty-foot side yard so that opportunities for application of the precedent here sought will be endless.

The petition is denied.

Filed with Town Clerk

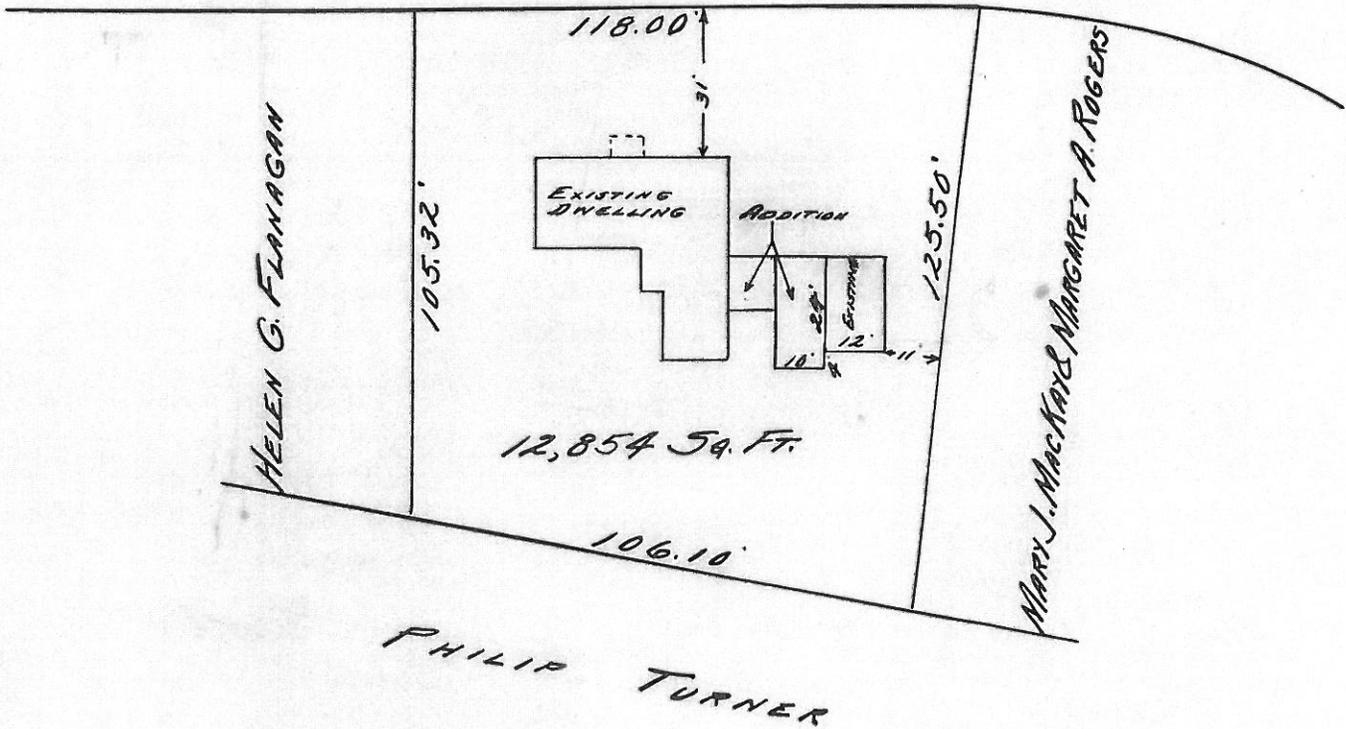
5/27/03

Garrett S. Hoag
Garrett S. Hoag
John L. Hayden
John L. Hayden
Dana T. Lowell
Dana T. Lowell

1900 MAY 27 AM 4 34

RECEIVED BY
TOWN CLERK'S OFFICE

GRANTLAND ROAD



PLAN OF LAND
IN
WELLESLEY, MASS.
OWNED BY
STUART A. & DOROTHEA D. MARSHALL
SCALE 40 FEET TO AN INCH
APRIL 18, 1963.
GLEASON ENGINEERING COMPANY