



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

BOARD OF APPEAL

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

Petition of J. Harry and Helen K. Lynch

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 8:15 p.m. on June 12, 1963 on the petition of J. Harry Lynch and Helen K. Lynch requesting an exception from the terms of Section XVIII, Area Regulations, of the Zoning By-law which will permit them to construct a dwelling on lots 15 and 95 Park Avenue, which combined contain less than the required 20,000 square feet.

James M. Kendrick, attorney, represented the petitioners.

The Planning Board offered no objection to the granting of the request in its report.

On May 21, 1963, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The petitioners seek a special exception which will permit them to construct a dwelling on the lots involved which combined contain 19,650 square feet, and are located within a single-residence district requiring a minimum lot area of 20,000 square feet.

A plan of the lots was submitted which was a copy of part of plan filed in Land Registration Office Dec. 20, 1928, C. B. Humphrey, Surveyor for Court.

The petitioners own and occupy the adjoining property at the rear upon which house No. 37 Whiting Road is located. Although the adjoining house lot contains in excess of the required area, it was alleged that due to the location of the garage and driveway, it would not be practical to transfer sufficient area to meet the requirement. It was pointed out that Park Avenue is the dividing line between the 20,000 square-foot district and the 10,000 square-foot district and across Park Avenue are a number of house lots containing less than the required 10,000 square feet. The remaining property across Park Avenue is occupied by an Elementary school and playground. If a house can be constructed on the lots involved, the house lot would contain a larger area than the majority of lots on Park Avenue.

Conclusion

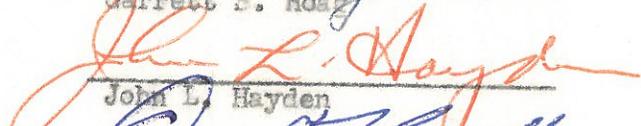
The Board has examined a plan of the neighborhood and taken a view of the locus.

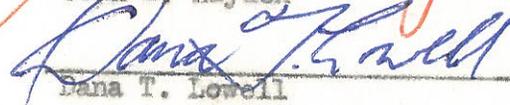
Section XVIII of the Zoning By-law provides, so far as pertinent to this case, that the Board of Appeal may make special exceptions to the provisions of said section when after a public hearing it shall find that adjoining areas have previously been generally developed by the construction of houses on lots generally smaller than is prescribed by this section.

The Board finds that a number of houses in the neighborhood contain less than the prescribed area and that the required area across the street is only 10,000 square feet. The lots involved are short only 350 square feet of the area required and, in the opinion of this Board, an exception should be granted for this slight deficiency.

Accordingly, the requested special exception is granted and the Inspector of Buildings is hereby authorized to issue a permit for the erection of a dwelling on Lot 15 and Lot 95 combined as shown on the plan submitted and on file with this Board.


Garrett S. Hoag


John L. Hayden


Dana T. Lowell

Filed with Town Clerk _____

1933 JUN 15 15:30

REGISTERED MAIL
TOWN CLERK'S OFFICE
MERRIMACK

3274-17

Subdivision of Lot F shown on plan 3274^F

Filed with Cert. of Title No. 5077 Registry District of Norfolk County

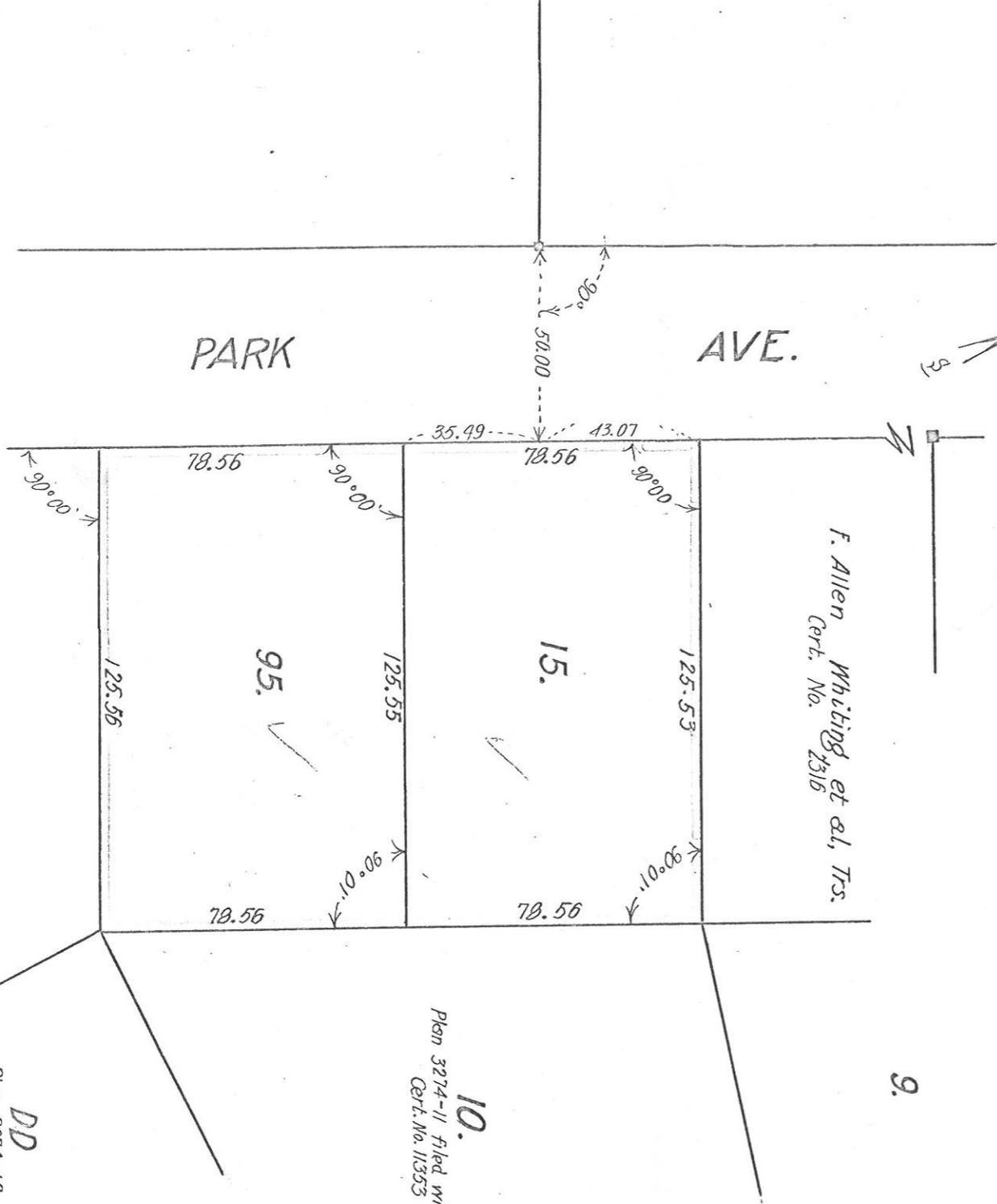
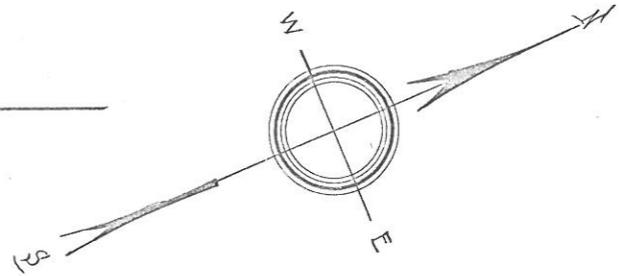
LAND IN WELLESLEY

Scale 40 feet to an inch

DEC. 10, 1928.

A. Stewart Cassidy,
Engineer.

RECEIVED FOR REGISTRATION
4 O'Clock 44 P
NOTED BY CERTIFICATE NO. 12565
IN REGISTRATION BOOK 63 PAGE 165



A true copy of plan filed
with Norfolk Registry District
of the Land Court
Attest:

Samuel J. Sawyer
Asst. Recorder

F. Allen Whiting, et al, Trs.
Cert. No. 2316

Plan 3274-11 filed with
Cert. No. 11353

DD
Plan 3274-18

Separate certificates of title may be issued
for lots 15 & 95 as shown herein
By the Court

Charles A. Southworth

Copy of part of plan
filed in
LAND REGISTRATION OFFICE
DEC. 20, 1928

Scale of this plan 40 feet to an inch