63-29

TOWN OF WELLESLEY MASSACHUSETTS

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

BOARD OF APPEAL

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

Appeal of Gulf Oil Corporation

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 8:45 p.m. on June 12, 1963 on the appeal of Gulf Oil Corporation from the refusal of the Inspector of Buildings to issue a permit to them to construct a service station and gasoline pumps at 990 Worcester Street. The reason for such refusal was that said service station and pumps would violate Section XIX of the Zoning By-law which requires a thirty-foot front yard, and Chapter IV, Section 1 (a) of the Building Code which requires that all such buildings shall be placed at least thirty feet from the side line of any public or private street.

John Christoforo, attorney for the appellant spoke in support of the appeal.

The Planning Board opposed the granting of the request.

Ellen M. Wegerdt, owner of the property at 986 Worcester Street spoke in favor of the request.

On May 24, 1963, the Inspector of Buildings notified the appellant in writing that a permit for the proposed service station and pumps could not beggranted for the above-mentioned reasons and on May 28, 1963, the appellant took an appeal from such refusal. Thereafter due notice of the hearing was given by mailing and publication.

Statment of Facts

The premises involved are located on the southerly side of Worcester Street near the Natick line, within a Business "A" District.

At present there is a small wooden service station and pumps located on the property. The building was built in 1934 and is poorly placed on the lot for today's traffic and business. It does not meet the present local and State ordinances for service stations or the Fire Marshall regulations. It is the desire of the appellant to demolish the present building and erect in its place a new modern service station and gasoline pump island in a position where they will be facing on-coming traffic traveling toward Boston and thus provide better service to the public. If the requested exceptions are granted, the appellant will construct an attractive building which should be an improvement to the area; otherwise it would not be practical to remodel the present building.

The lot involved is at the corner of Worcester Street and Kimball Road, a so-called paper street, which has not been constructed and in all probability wont be in the forseeable future. It is proposed to construct the new building approximately sixty-one feet from Worcester Street and two feet from the easterly side line abutting Kimball Road. The pump island is to be located approximately twelve feet from Worcester Street. A plot plan was submitted, drawn by Robert William Hucksam, Reg. Engineer, which showed the location of

the proposed service station and pumps. Architectural drawings were also submitted showing the elevations of the proposed building as well as the floor layout.

Conclusion

It is the unanimous opinion of this Board that the construction of the proposed service station and pump island on the lot involved as shown on the plan submitted will not change the character of the neighborhood and that the granting of the requested exceptions, in this case, will not prove a detriment to the public good and will not substantially derogate from the intent and purpose of the by-laws. In the opinion of the Board, the new building will be an improvement both in appearance and from a safety factor. It will provide the public with more efficient and improved service which should benefit the Town. Although the building is to be located only two feet from so-called Kimball Road, it seems unlikely that the road will ever be built.

The Board finds that a real need exists for the new building to be constructed as requested and the facts in this case satisfy the conditions set forth in Section XIX of the Zoning By-law and Chapter I, Section 10 of the Building Code on which the Board's authority depends to grant a special exception from the application of the front yard restrictions of the Zoning By-law and the setback requirement of the Building Code.

The existing building was built in 1934 and the lot involved was held of record on April 1, 1939 under a separate and distinct ownership from adjacent lots. The lot is relatively narrow for a service station which requires off-street parking of several cars at one time. It has a frontage of only 74.23' plus an arc of 36.99' and a depth of approximately 200' which makes compliance with the requirements of Section XIX of the Zoning By-law impracticable because of its width and shape.

In view of the evidence presented, it is the opinion of this Board that manifest injustice would result to the appellant unless this permit is granted.

Accordingly, the requested exception and variance are granted and the issuance of a permit for the proposed service station and pump island as shown on the plans submitted and on file with this Board is hereby directed.

Garrett S. Hoag

John L. Hayden

Dana T. Lowell

Filed with Town Clerk _____

NO. .....

TOWN OF WELLESLEY

BUILDING DEPARTMENT

Application for Permit to Build

LOCATION

Precinct .....

Street ..... No. .....

Owner .....

.....

Architect .....

.....

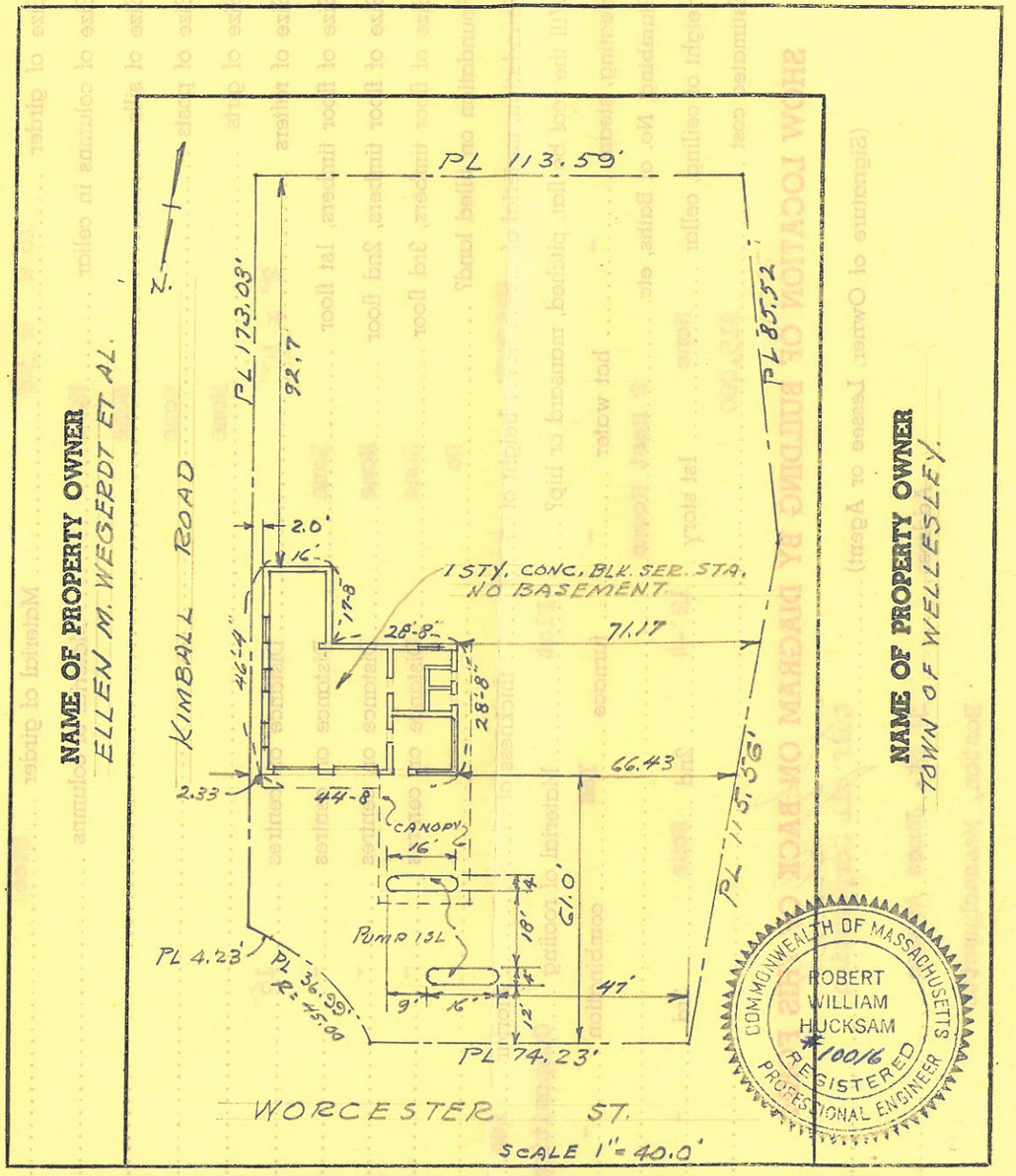
Builder .....

.....

Permit Granted

..... 19....

DIAGRAM



INDICATE DISTANCES FROM LOT LINES AND BUILDINGS ON LOT