



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

BOARD OF APPEAL

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

Petition of John F. and Virginia W. Cloran

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 8:50 p.m. on June 12, 1963 on the petition of John F. and Virginia W. Cloran requesting a special exception from the terms of Section XIX of the Zoning By-law which will permit the construction of an additional garage on the side of their dwelling at 22 Auburn Road with a side yard less than the required thirty feet. Said request was made under Section XIX of the Zoning By-law and Chapter 40A, Section 15 of the General Laws.

The petitioners spoke in support of their request at the hearing.

The Planning Board opposed, in principal, the granting of the request.

A letter favoring the request was received from Barbara F. and Robert H. Clapp, 51 Wingate Road.

On May 27, 1963, the petitioners requested a hearing before this Board. Thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The dwelling involved is located within a single-residence district requiring a minimum lot area of 10,000 square feet. It was built in 1953, on a corner lot containing 10,160 square feet, and located approximately thirty-one feet from Wingate Road at the nearest corner.

The petitioners seek permission to extend their existing attached garage ten feet in an easterly direction toward Wingate Road in order to provide a two-car garage. A plot plan, drawn by Gleason Engineering Company, dated May 25, 1963, was submitted which showed the existing dwelling as well as the proposed addition. Said plan showed the proposed addition to be 10' x 20.3' and located on the easterly side of the dwelling, twenty-one feet from Wingate Road at the nearest point.

It was alleged at the hearing that the present one-car garage is only 9'6" wide and it is almost physically impossible to get out of the car when it is in the garage. The petitioners have two cars and would like to have additional space to accommodate both cars. Mr. Cloran has had a back injury for the past year which makes it impossible for him to get in or out of the car in the existing garage. With his back ailment it is difficult also for him to move his lawn equipment from the cellar. The proposed addition would provide space for this equipment as well.

Conclusion

The Board has made a careful study of the facts submitted and have taken a view of the locus. The house was built in 1953 on a lot which adjoined other land of the same owner in 1940. This Board, therefore, cannot make a

"special exception" under Section XIX of the Zoning By-law as said section authorizes the Board to grant such exceptions only if on April 1, 1940 the lot was owned of record under a separate and distinct ownership from adjacent lots. The Board, however, considered the petition under the provisions of G. L. Chapter 40A, Section 15, and in its opinion a literal enforcement of Section XIX of the Zoning By-law would cause a substantial hardship to the petitioners which can be avoided without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of said section. The house is located on a corner where technically it must be set back at least thirty feet from each street line. However, if the proposed addition is constructed, it will not establish a precedent for other houses on that end of the street as the house involved and one other house which faces Northgate Road are the only two houses between two entering streets. While the rear corner of the proposed addition will lie only twenty-one feet from the street line, the front corner will be twenty-nine feet from the street line and there is a grass strip of approximately eight feet between the street line and the paved road.

In view of the evidence presented, it is the opinion of this Board, therefore, that a special exception can be granted from the terms of Section XIX of the Zoning By-law under the provisions of Chapter 40A, Section 15, of the G. L.

Accordingly, the request is granted and the issuance of a permit for the proposed addition as shown on the plan submitted and on file with this Board is hereby directed.

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

Filed with Town Clerk _____

RECEIVED
TOWN OF SAUNDERSVILLE
RECORDS OFFICE
JUL 15 1952