



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

BOARD OF APPEAL

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

Petition of Ernanino and Lena Guarino

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 8:55 p.m. on June 12, 1963, on the petition of Ernanino and Lena Guarino requesting a special exception from the terms of Section XIX of the Zoning By-law which will permit the construction of a porch on the side of their dwelling at 105 Oak Street with a side yard less than the required twenty 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.

Ernanino Guarino spoke at the hearing in support of the petition.

The Planning Board opposed the request in its report.

On May 28, 1963, the petitioners filed their request for a hearing and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The dwelling involved was built in 1946 on a lot of land containing 10,127 square feet. It is located within a single-residence district requiring a minimum lot area of 10,000 square feet.

The petitioners seek permission to construct a porch 15' x 16' on the northerly side of their dwelling which, if built, will lie only sixteen feet from the lot side line rather than the required twenty feet. A plot plan was submitted drawn by MacCarthy Engineering Service, Inc., Natick, Mass., which showed the existing dwelling as well as the proposed porch.

It was alleged at the hearing that there is presently a concrete slab at the side of the dwelling and it is the desire of the petitioners to remove the slab and in its place construct the proposed porch. The porch is to be screened and at some future time to be glassed in with Jalousie windows.

It was pointed out that because of a bedroom window at the rear of the house and the fact that the proposed porch will serve as an entrance enclosure for the back door, which is now unprotected, it would not be feasible to construct the porch farther back even though it could be constructed there without violating the Zoning By-law.

Conclusion

The house involved was built in 1946 on a lot which adjoined 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. As stated above such is not the case here. The Board, therefore, considered the petition

under G. L. Chapter 40A, Section 15.

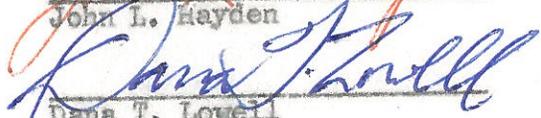
Messrs. Hayden and Lowell would grant the petition as they feel that the encroachment into the side yard would not result in substantial detriment to the public good or substantially derogate from the intent or purpose of the by-law. In their opinion substantial hardship will result to the petitioners unless the requested exception is granted. Conditions, in their opinion, exist in this specific case which especially affect the lot involved but do not affect generally the zoning district.

Mr. Hoag, however, does not agree. In his opinion, substantial hardship will not result to the petitioners if the proposed porch were either reduced in size sufficiently to comply with the side yard requirement or that it be placed back farther on the side of the house where the lot widens out considerably. In his opinion, to grant the request would substantially derogate from the intent of the by-law as he cannot find any condition affecting the land involved which does not affect the district generally in which it is located.

As the variance must be granted only with the concurrence of all members, the petition is dismissed.


Garrett S. Hoag


John L. Hayden

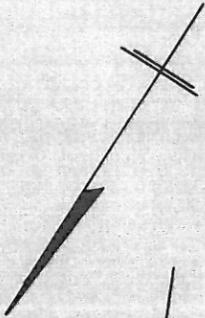

Dana T. Lowell

Filed with Town Clerk _____

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TOWN CLERK'S OFFICE
JUL 21 1977

Victor H. & Alice A. Maccini

Harvey F. & Florence Miller



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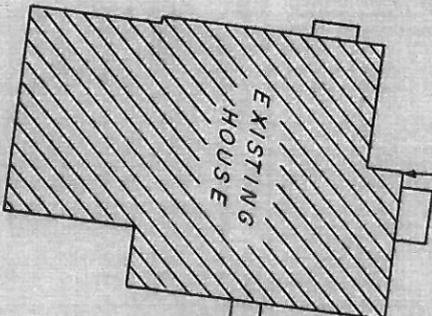
ST.

122.55' to SB'd h. at P.C. of School St.

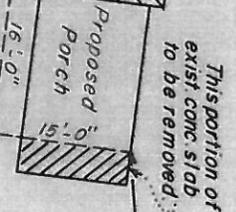
R=401.93'
L=86.99'

Douglas R. & R. Eileen Chandler

116.11'



LOT 105
10,127 ±



114.00'

Adolph & Pauline M. Baumann

92.00'

Angelo Di Giando

Approved by:
WELLESLEY BOARD OF APPEALS

Date: _____

Plan of Land in Wellesley, Mass.

(Showing Proposed Addition to Existing Building)

Scale: 1" = 20'

May 23, 1963



Plan by:

MacCarthy Engineering Service Inc. Natick, Mass.
Nashoba Survey Co. Inc. Marlborough, Mass.