



BOARD OF APPEAL

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

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

Appeal of Dan-Dee Realty, Inc.

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 8:35 p.m. on October 17, 1963, on the appeal of Dan-Dee Realty, Inc. from the refusal of the Inspector of Buildings to issue a permit for the construction of a second-story addition on the boat-sales-room and garage building at 958 Worcester Street. The reason for such refusal was that the proposed addition was designed to be flush with the front-line of the existing building which now stands in violation of Chapter IV, Section 1, of the Building Code requiring that all such buildings shall be placed at least thirty feet from the side line of any public or private street and Section XIX of the Zoning By-law requiring that every such building shall provide a front yard at least thirty feet in depth. Said appeal was made under the provisions of Chapter 40A, Section 15, of the General Laws.

The appellant was represented at the hearing by Robert H. Elsemillier, Treasurer of Dan-Dee Realty, Inc.

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

On September 30, 1963, the appellant took an appeal in writing from the refusal of the Inspector of Buildings to issue a permit for the construction of the proposed addition. Said permit was refused for the above-mentioned reasons. Notice of the hearing was given by mailing and publication.

Statement of Facts

The property involved contains approximately 12,000 square feet and is located within a Business "A" Zone. A building approximately 80' x 90' is located on the lot which is used by the appellant as a sales office and garage for its boat business. The building was built in several sections, the first section being built in 1947, and the last addition built in 1958. At the time the first section of the building was erected, through an engineering error, it was located 29.3' from Worcester Street at the northeast corner and 29.8' from Worcester Street at the northwest corner, rather than the required thirty feet. This error, however, was not discovered until a new survey was made of the property at the time it was proposed to construct a second-story addition on the building.

The appellant, therefore, seeks a variance which will allow the existing building to remain in its present location and to construct a second-story addition flush with the front line of the existing building. The purpose of the addition is to provide new office space, to improve the show room and to provide space to garage the boats, which are now parked outside, within the building.

A plot plan was submitted, drawn by MacCarthy Engineering Service, Inc., Natick, Mass., which showed the existing building on the property.

Architectural drawings were also submitted which were drawn by William Paige Associates, Dedham, Mass., dated October 26, 1963, which showed the elevations of the building as well as the floor layout.

Decision

The Board has made a careful study of the facts submitted and has taken a view of the locus. In the opinion of the Board, the proposed second-story addition would not prove detrimental to the appearance or character of the building or neighborhood and a literal enforcement of Section XIX of the Zoning By-law would result in undue hardship to the appellant. The Board believes that the proposed addition will greatly improve the present condition of the property as a number of boats are now stored around the building which presents an unsightly appearance.

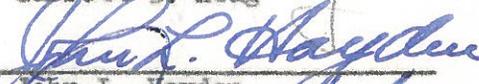
However, it cannot make a special exception under Section XIX of the Zoning By-law as said section authorizes the Board to grant such exceptions only if on April 1, 1939 the lot was owned of record under a separate and distinct ownership from adjacent lots. The property involved adjoined other land of the same owner in 1939. The Board, however, considered the appeal 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 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 encroachment into the front yard is slight and should not prove detrimental to the neighborhood.

Accordingly, the requested variance from the terms of the Zoning By-law is granted and the Inspector of Buildings is hereby directed to issue a permit for the proposed addition in accordance with the plans submitted and on file with this Board, subject to the following condition:

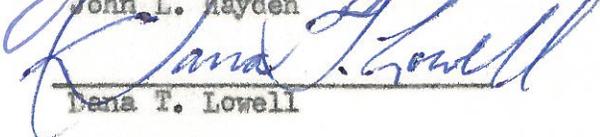
1. That the area between the building and Worcester Street shall be kept clear from obstruction and shall be used only for the parking of automobiles; unless grassed and landscaped.



 Garrett S. Hoag



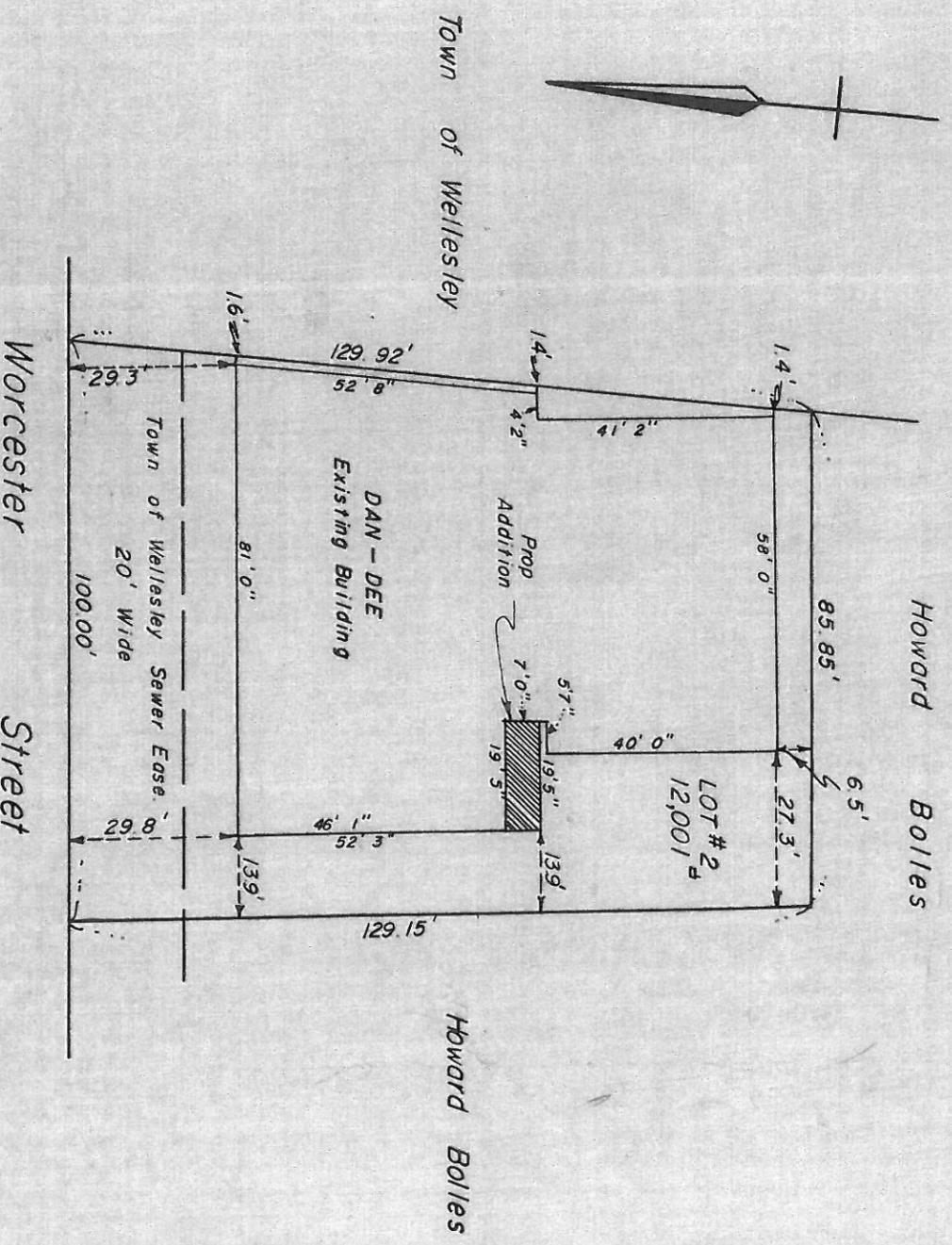
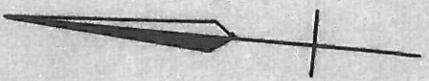
 John L. Hayden



 Denis T. Lowell

Filed with Town Clerk 11/26/63

RECEIVED
 NOV 28 1963
 TOWN CLERK'S OFFICE
 DAN-DEE REALTY, INC.
 11:11 AM



Approved by:
WELLESLEY BOARD OF APPEALS

Date: _____

Plan of Land in Wellesley, Mass.

Owned by: Dan-Dee Inc

Scale 1"=30 Sept. 27, 1963



*Plan by: MacCarthy Engineering Service Inc.
Natick, Mass.*