

64-1

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

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

Petition of Elizabeth M. Rosenbaum

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 8:00 p.m. on January 22, 1964, on the petition of Elizabeth M. Rosenbaum requesting a variance from the terms of Section XVIII and Section XIX of the Zoning By-law, which would permit a division of the property appurtenant to house No. 151 and house No. 153 Weston Road into two separate lots with areas less than the required 10,000 square feet; with house No. 151 containing a frontage of less than the required forty feet and a side yard less than the required twenty feet. Said request was made under the provisions of Chapter 40A, Section 15, of the General Laws.

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Juris Udris, attorney, represented the petitioner at the hearing.

A petition favoring the granting of the request was submitted signed by nine nearby neighbors.

On December 12, 1963, the petitioner filed her request for a hearing before the Board and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The property involved is located within a single-residence district requiring a minimum lot area of 10,000 square feet. The lot which the petitioner seeks to divide contains 16,000 square feet and has two separate houses located on it. Both of these houses were built on a single lot over sixty years ago, long before the enactment of the Zoning By-law requiring minimum areas, side yards and front yards, and have been under common ownership since the enactment of the Zoning By-law.

The petitioner seeks a variance under Section 15 of Chapter 40A of the General Laws which will allow her to divide the property involved into two lots, namely Lot 27A and Lot 27B, the former having a side yard of less than the required twenty feet and the latter having a front yard of less than the required forty feet. A plot plan drawn by Donald S. Fox, R. L. S., dated September 18, 1963, showed Lot 27A, on which house No. 153 stands would contain 7,440 square feet and Lot 27B on which house No. 151 stands would contain 8,560 square feet. House No. 153 is a large two-story wooden house located on the front portion of the property and house No. 151 is a small woden house located at the rear of the property. It is proposed to provide a twenty-foot frontage for house No. 151 in the rear. The twenty-foot width will extend back a distance of approximately 124' and then widen out to a width of eighty feet. In making this division of the property it will reduce the existing side yard of house No. 153 to less than the required twenty feet.

The petitioner presently lives in the large house on the front lot with her three children. She is a widow and desires to sell the large house and move into the smaller house on the rear lot which is more suited to her present circumstances.

Decision

In our opinion the existence of the two residences on one lot is a condition affecting the parcel in question which does not affect generally the zoning district in which the lot is located owing to which a literal enforcement of the Zoning By-law would involve a substantial hardship. Unless a variance is granted, the petitioner may not convey one house without conveying the other as well, and the entire property valued as one parcel is worth substantially less than the combined value of the two houses if they may be sold separately.

Moreover, the neighborhood has been generally developed by the construction of houses on lots containing less than the required area and with front and side yards less than those required by the Zoning By-law. In our view, the proposed division of the lot would not prove detrimental to the neighborhood or derogate from the intent and purpose of the Zoning By-law. The property is more likely to be maintained up to standards commensurate with those of the general neighborhood if the houses are on separate lots and the intent of the Zoning By-law was to provide for a single residence district in this area with one house on each lot.

We therefore believe that a literal enforcement of the Zoning By-law in this instance would involve a substantial hardship to the petitioner and that a variance may be granted without substantial detriment to the public good and without derogating from the intent and purpose of the by-law.

Accordingly, the requested variance is authorized and granted and the petitioner is authorized to divide the land involved into two lots in accordance with the plan filed with this Board, drawn by Donald S. Fox, R.L.S. dated September 18, 1963.

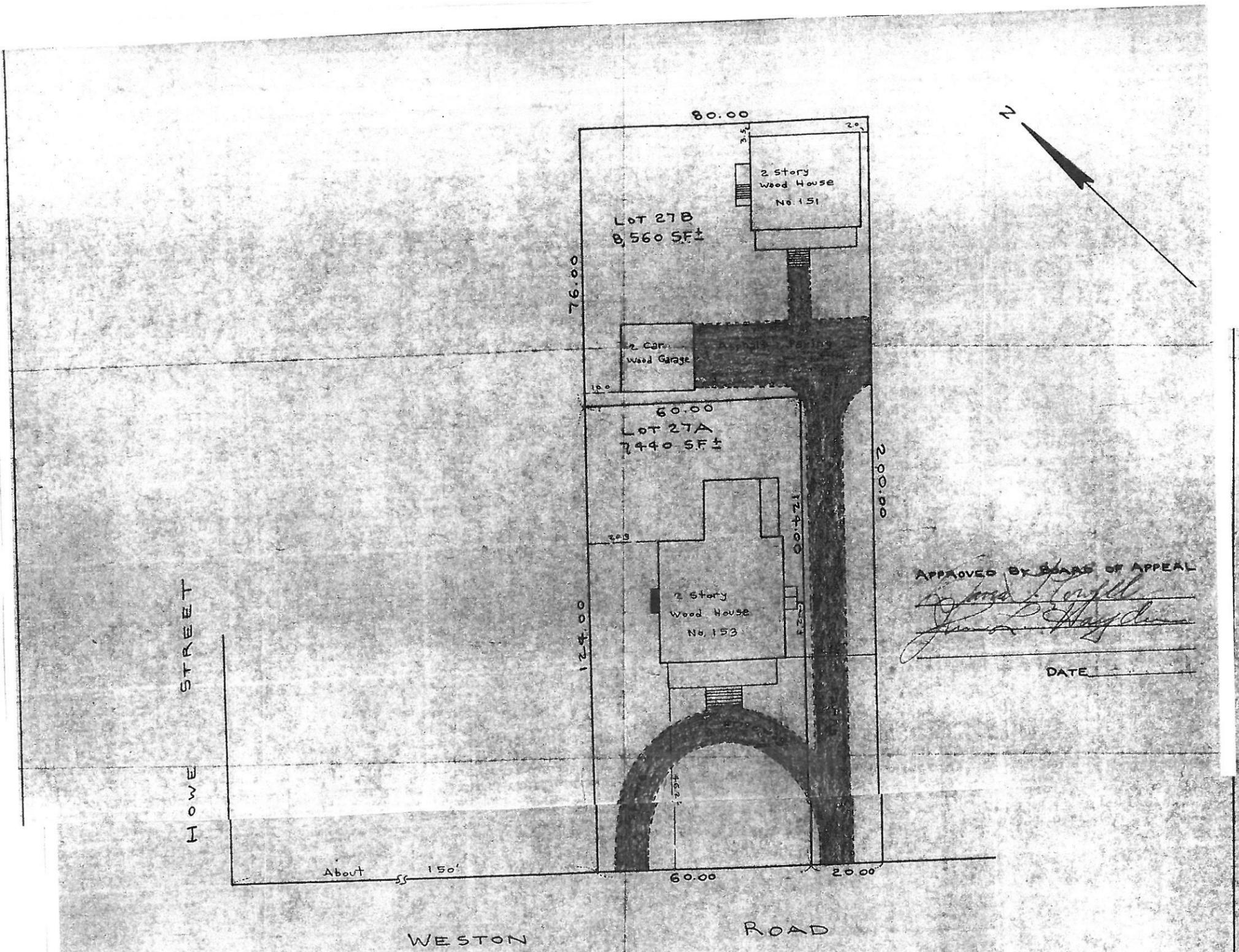
Garrett S. Hoag
Garrett S. Hoag

John L. Hayden
John L. Hayden

Eana T. Lowell
Eana T. Lowell

Filed with Town Clerk _____

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MELTERRAY, MASS.
AUG 23 1963



APPROVED BY BOARD OF APPEAL
James J. Conly
James D. Hayden
 DATE _____

NOTE:
 Streetline and sideline offsets shown are approximately only, and are not the results of an instrument survey.

PLAN SHOWING RESIDENCES
 AT
 No. 151 & 153 WESTON ROAD
 WELLESLEY, MASS.
 ON SEPARATE LOTS

Drawn By: Donald S. Fox — R.L.S.
 Scale: 1"=20' Sent 12 1962

