

64-53

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 Juliette D. Cassoli

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 December 2, 1964, on the petition of Juliette D. Cassoli for permission to continue to use the premises located on Grant Avenue (adjacent to 10A Rice Street) as a storage place for light commercial vehicles and equipment as provided under Section XXIV of the Zoning By-law.

John A. Gunniff, attorney, represented the petitioner at the hearing.

J. Haller Ramsey, attorney, represented a number of nearby property owners who all opposed the granting of the request. In their opinion the present non-conforming use of the garage and barn for the storage of equipment, snow plows, jeeps, etc. is disturbing as well as detrimental to the neighborhood.

On October 16, 1964, the petitioner filed her request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The property involved is located within a General-residence district requiring a minimum lot area of 10,000 square feet. The petitioner acquired the property involved which consists of a house, a detached garage and a barn, through a will of her mother's in January 1961. Prior to that time the garage and barn had been rented for the storage of trucks and landscape equipment. It was pointed out that the property had been used for the storage of a truck as far back as early in 1920. The petitioner desires to continue renting the four-car garage and separate barn to five landscapers for the storage of their equipment as well as snow plow equipment and one jeep. It was pointed out that it is the intention of the petitioner to develop the property by the construction of a duplex dwelling within eight or ten months when the final settlement of the property is to be made.

Decision

After careful study of the evidence submitted and a view of the locus, the Board is unable to find either that a real need exists for the proposed non-conforming use of the property or that such use would not substantially reduce the value of any property within the district or otherwise injure the neighborhood, the criteria set forth in Section XXIV of the Zoning By-law for granting permits of the type requested.

No evidence of a financial hardship was presented to the Board or that the lack of income from the rentals would result in manifest injustice. The property is located within a residential area consisting of one and two-family dwellings. It was pointed out by the neighbors' attorney that the

present operations have been noisy and disturbing to the neighborhood, and if allowed to continue will prove detrimental to the entire area.

The Board, therefore, finds no basis for granting the requested permit and that such use of the property if allowed to continue would be detrimental to the value of surrounding property and contrary to the intent and purpose of the Zoning By-law.

Accordingly, the requested permission is denied and the petition dismissed.

Garrett S. Hoag  
Garrett S. Hoag

F. Lester Fraser  
F. Lester Fraser

Yana T. Lowell  
Yana T. Lowell

Filed with Town Clerk \_\_\_\_\_

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