



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
CE 5-1664

Petition of Thomas R. and Eleanor R. Dawber

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 8:30 p.m. on December 2, 1964, on the petition of Thomas R. and Eleanor R. Dawber requesting a special exception from the terms of Section XIX of the Zoning By-law which would permit the construction of an additional garage on the side of their dwelling at 39 Sheridan Road with a side yard less than the required twenty feet. Said request was made under Section XIX of the Zoning By-law and Chapter 40A, Section 15, of the General Laws.

At the hearing Thomas R. Dawber spoke in support of the petition.

A petition favoring the request was submitted, signed by eleven nearby property owners. The petition stated that the construction contemplated would constitute an upgrading of the property involved and urged favorable action by the Board.

The Planning Board opposed the granting of the request in its report.

On November 17, 1964, 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 property involved is located within a single-residence district requiring a minimum lot area of 15,000 square feet. The house was built in 1942 and is located on a lot of land which now contains 19,360 square feet. It has a one-car garage attached to the southwesterly side of the house. The petitioners seek permission to construct an additional garage 10' x 20' to be attached to the existing garage. The garage, if built, will lie 10.5' from the lot side line at the rear corner and 13' from the lot side line at the front corner. The request is made because of the lack of adequate garage facilities. The petitioners have three cars and with only a one-car garage, there is a problem to keep all cars in the driveway and off the street. The proposed widening of the present garage, in their opinion, will improve the property and in no way damage the appearance of the property or the neighborhood and will get two automobiles out of sight which should be an asset to the area. It was pointed out that if the house had been centered on the lot, there would be adequate space for the proposed construction as the opposite side yard is considerably wider than the required twenty feet.

Decision

The Board has examined a plan of the neighborhood and taken a view of the locus.

Section XIX of the Zoning By-law provides that the Board of Appeal may make special exceptions to the side yard regulations when it shall find that (1) compliance with the requirements is impracticable because of the width, depth and shape of the lot, and (2) the lot was held of record on April 1, 1940, under a separate and distinct ownership from adjacent lots. The Board is unable to make the findings prescribed as conditions under which the exception may be granted. On April 1, 1940, the lot involved was not held of record under a separate and distinct ownership from adjacent lots as it was a lot within a large subdivision, held under one ownership and adjacent lots were not developed and sold until after the effective date.

The Board has considered the request under the provisions of Section 15 of the General Laws, Chapter 40A. Mr. Lowell feels that a variance can be granted under this section and that the proposed addition will not prove detrimental to the neighborhood.

Messrs. Hoag and Fraser, however, are unable to find any condition affecting the land which does not affect the district generally, a condition which must be found before the Board may grant a variance under the General Laws.

As the decision must be unanimous, the request is, therefore, denied and the petition dismissed.


Garrett S. Hoag


F. Lester Fraser


Dana T. Lowell

Filed with Town Clerk _____

PLAN OF LAND
IN
WELLESLEY, MASS.
OWNED BY
THOMAS R. & ELEANOR R. DANBER

SCALE 40 FEET TO AN INCH
NOVEMBER 9, 1964.
GLEASON ENGINEERING COMPANY

