66-25

TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

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235-1664

Petition of Alfred R. Baxter

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 8:50 p.m. on May 19, 1966, on the petition of Alfred R. Baxter, requesting a special exception from the terms of Section XIX of the Zoning By-law which would allow him to construct an addition on the rear of the dwelling, owned by him, at 13 Edgemoor Avenue with a side yard less than the required twenty feet. Said request was made under the provisions of Section 15, Chapter 40A, of the General Laws.

On April 22, 1966, the petitioner filed his written request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Frieda F. Thompson, 35 Overbrook Drive, attorney, represented the petitioner at the hearing. She also favored the request as a neighbor.

Statement of Facts

The property involved which contains 10,000 square feet, is located within a single-residence district requiring a minimum lot area of 10,000 square feet.

The existing house is approximately 20' x 20' and was in existance prior to the enactment of the Zoning By-law relating to setback regulations. The petitioner seeks permission to construct an addition 16' x 24' which will provide an additional room and make the house more livable. When the house was built it was legally located on the lot, however, since then, the Zoning By-law has been enacted which requires that a house on a corner lot must be set back at least thirty feet from both streets and twenty feet from both side lines.

A plot plan was submitted, drawn by Alfred B. Capone, Uxbridge, Mass., dated April 15, 1966, which showed the existing house and the proposed addition. Said plan showed the proposed addition to be 31.5' from Edgemoor Avenue and 17' from the boundary line on the easterly side rather than the required twenty feet.

Decision

While the facts in this case do not satisfy the conditions set forth in Section XIX of the Zoning By-law, as the lot involved was not held under a separate and distinct ownership from adjacent lots on April 1, 1940, this Board, however, has considered the petition under the provisions of Chapter 40A, Section 15, of the General Laws.

It is the unanimous opinion of the Board that the granting of the requested variance and exception in this case will not in any way prove detrimental to the character of the immediate neighborhood nor should the proposed addition create a fire hazard. It is the feeling of the Board that there is a real need for the additional space which the proposed addition

will provide and unless this request is granted, the house cannot be occupied as a dwelling. The petitioner plans to occupy it himself providing the request is granted and unless it is improved, it will become a real detriment to the neighborhood. It is the further feeling of this Board that substantial hardship will result to the petitioner if this is not granted and desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the by-law.

Accordingly, the requested variance is authorized and granted and the issuance of the permit for the proposed addition is hereby authorized in accordance with the plan submitted and on file with this Board.

Richard O. Aldrich

Dana T. Lowell

F. Lester Fraser

Filed with Town Clerk _____

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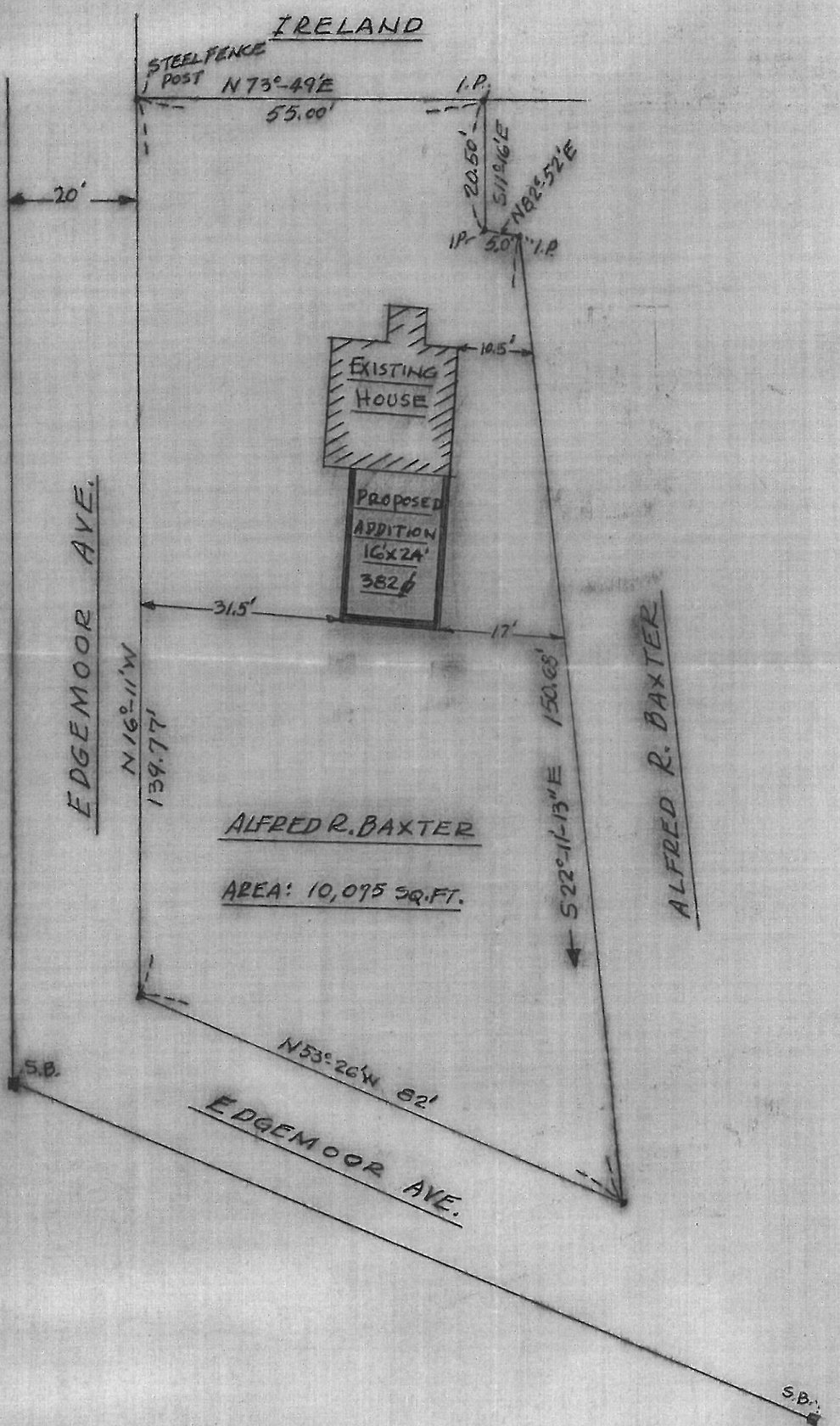

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REGISTERED ENGINEER
JOHN J. PHELAN
No. 12715
COMMONWEALTH OF MASSACHUSETTS

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