

TOWN OF WELLESLEY



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WELLESLEY, MASSACHUSETTS

66-34

BOARD OF APPEAL
1966 NOV 22 PM 1:26

~~GARRETT S. HOAG~~
~~DANA T. LOWELL~~
F. LESTER FRASER

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Richard O. Aldrich

Petition of Anthony J. Camuti

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 June 30, 1966, on the petition of Anthony J. Camuti, requesting an exception from the terms of Section XIX of the Zoning By-law or a variance under the provisions of Chapter 40A, Section 15, of the General Laws, which will permit the erection of a dwelling and garage on Lot 2, #16, Sunnyside Avenue, with a side yard less than the required twenty feet.

Victor C. Harnish, Attorney, represented the petitioner at the hearing.

Paul B. Nicholas, 7 Oakdale Avenue, opposed the granting of the request. He had opposed the granting of the permit before it was issued, and again asserted that the house involved will be detrimental to surrounding properties.

Vincent Miron, 88 Manor Avenue and James MacDonald, 20 Sunnyside Avenue, also opposed the granting of the petition.

A petition signed by ten nearby property owners was submitted opposing the request.

Joseph Gerace, 12 Sunnyside Avenue, favored the granting of the request.

On June 10, 1966, the petitioner filed his 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 a lot containing 10,000 square feet and is located within a single-residence district requiring a minimum lot area of 10,000 square feet.

The partially completed house on said lot was found to be located in violation of Section XIX of the Zoning By-law by a previous decision of this Board. (See Petition of Paul B. and Mary B. Nicholas, Aggrieved Persons from the issuance of a permit by the Inspector of Buildings, filed with the Town Clerk on June 6, 1966.) The petitioner now seeks a special exception or a variance which will allow the dwelling to remain in its present location

fourteen (14) feet from the side lot line. The lot and the location of the house thereon will conform in all other respects to the requirements of the Zoning By-law.

It was pointed out at the hearing that the lot is an irregular shaped triangular lot with the angle opposite the base (on the street) extended in the shape of a rectangular panhandle 34' x 67' in size, and that it is difficult, if not impossible, to locate a house comparable in size to other houses in the neighborhood on this lot in compliance with the Zoning By-law. If the side yard requirement is met in the manner required by the Board of Appeals in its aforesaid decision, the petitioner contends that the house will have to be small and irregular in shape and will constitute a detriment to the neighborhood. The house is approximately 24' x 28', and if reduced in size to meet the side yard requirement, would not in his view be economical to build in relation to the value of the land. If it were cut back an additional six feet, it would destroy the architectural integrity of the plan and result in a nondescript type of house. Relying upon the issuance of the building permits on December 3, 1965 and March 7, 1966, the petitioners invested approximately \$5,000. in constructing the foundation and framing the house in accordance with the specifications approved in the building permits. No stop order or revocation of the building permit was made until the appeal of the aggrieved parties was decided on June 3, 1966. The petitioner contends that he has suffered and will suffer serious financial hardship as a result of the literal enforcement of the Zoning By-law in this instance, and that this hardship is ascribable to the peculiar shape of the lot, a condition affecting this particular parcel but not affecting generally the zoning district in which it is located, and that the desired relief may be granted without substantial detriment to the public good and will not substantially derogate from the intent and purpose of the Zoning ordinance; and the proposed house will be in general conformity to the character of the neighborhood.

Decision

The Board has given careful consideration to all the facts in this case. While it feels that the petitioner should not have proceeded further with the construction of the dwelling after being warned that there was some doubt as to the interpretation of the side yard requirement of the Zoning By-law, it is the opinion of the Board that refusal to permit the petitioner to complete the dwelling would under all the circumstances be inequitable, would result in substantial hardship and would be inconsistent with the intent and purpose of the Zoning By-law. The dwelling on the adjoining lot on the side involved is approximately forty feet from its rear lot line.

In the opinion of the Board a house small enough to comply literally with the side yard requirement would not be comparable to and would probably reduce the values of other properties in the neighborhood.

It is, therefore, the unanimous opinion of the Board that sufficient reasons exist for the granting of the requested variance under the provisions of Chapter 40A, Section 15, of the General Laws, and that desirable relief can be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of the By-law.

Accordingly, the requested variance is granted and the Building Inspector is authorized to issue a permit for completion or construction of a single-family dwelling with attached garage in accordance with plans and specifications on file with him subject, however, to the following conditions;

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1. Petitioner shall cause a dwelling with attached garage to be completed on the lot in question substantially in accordance with plans on file with the Building Inspector and of first-class materials and in a workmanlike manner, and the lot to be graded and seeded.
2. Petitioner shall cause a driveway to be constructed from said garage to the street, said driveway to be surfaced with bituminous concrete.
3. Petitioner shall cause a screen of evergreens, or such other screen as the Board may prescribe, at least six feet in height to be planted and maintained along the easterly boundary line of said lot, running from the southwesterly boundary of the Nicholas property to the northwesterly boundary of the Chamberlain property.
4. The work described in 1, 2 and 3 above shall be accomplished in compliance with all applicable provisions of law and shall be completed within six months*following the filing of this decision in the Town Clerk's office except that rough grading and cleanup of rocks and trash shall be accomplished within thirty days following such filing.

* or such further time as the Board allows

Richard C. Aldrich
Richard C. Aldrich

F. Lester Fraser
F. Lester Fraser

Edward T. Kilmain
Edward T. Kilmain

Filed with Town Clerk _____

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SURVEY RECORD

PLOT PLAN

Permit No. 320

Street **SUNNYSIDE AVE** No. 16

Builder **CAMUTI**

Address **WALTHAM**

Owner **CAMUTI**

Address **WALTHAM**

Building dimensions

Distances:

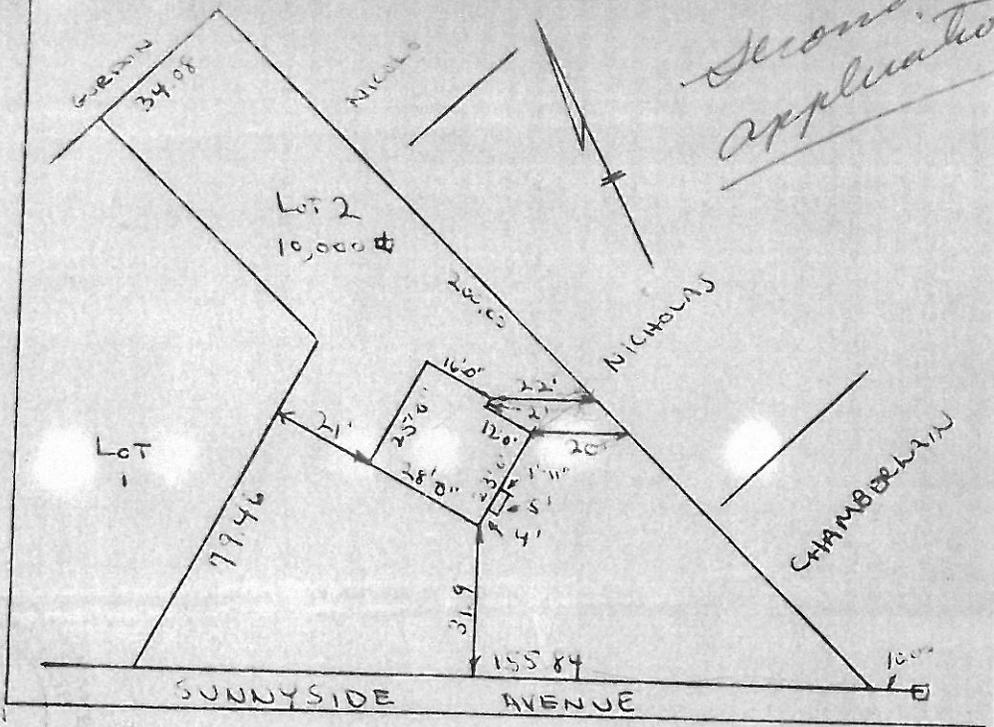
Adjoining Bldgs.

Center of street 519

Front Yard 31.9 Rear Yard

Side Yard 21' Side Yard 20'

Area of Lot 10,000 S.F.



Second Application

COMPLETE INSTRUCTIONS ON REVERSE SIDE
OF DUPLICATE COPY

Signed By: *Joseph P. Sullivan*
Registered Engineer or Surveyor

ORIGINAL

Date

JAN 13 1954

Address

MCCARTHY ENGINEERING SERVICE
NATICK, MASS