

66-39

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Appeal of One Washington Street Company

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 8:55 p.m. on June 30, 1966, on the appeal of One Washington Street Company, from the refusal of the Inspector of Buildings to issue a permit to construct a canopy addition on the building now under construction at #1 Washington Street. The reason for such refusal was that the proposed canopy would violate Section XIX of the Zoning By-law which requires that there shall be provided for every such structure a front yard not less than thirty feet in depth and Chapter IV, Section 1, of the Building Code which requires that all such buildings shall be placed at least thirty feet from the side line of any public or private street.

On June 1, 1966, the Inspector of Buildings notified the appellants in writing that a permit for the proposed canopy could not be issued for the above-mentioned reasons, and on the same date the appellant took an appeal from such refusal.

Nathaniel S. Esten, General Partner of the company involved, spoke in support of the appeal.

Statement of Facts

The building involved, which is now under construction, is located within an Industrial District and is designed to be approximately 73' x 169', 44' high and to be occupied by offices. The lot is irregular in shape, the rear property line following the course of the river in part thereby imposing limitations on the placement of the building on the lot.

The appellant seeks permission to construct a concrete canopy 8'1" x 15'3" on the front of the building which, if built, will lie 21'11" from the street. It was pointed out at the meeting that other buildings in the area are on the street line and the proposed canopy would improve the appearance and utility of the building. It is noteworthy that the Zoning By-law permits, "uncovered or covered entrance porches (and presumably canopies) on the first floor which do not exceed a total area of fifty (50) square feet" to extend into the thirty-foot area.

A plot plan was submitted, drawn by Symmes Maini & McKee, Inc. Architects and Engineers, dated May 3, 1966.

Decision

The Board unanimously finds that the facts in this case satisfy the conditions set forth in Section XIX of the Zoning By-law and Chapter IV, Section 1, of the Building Code on which the Board's authority depends to grant a special exception from the application of the front yard restriction and a variance from the setback requirement of the Building Code. In its opinion, compliance is impracticable because of the depth and shape of the lot, which was held of record under a separate and distinct ownership from adjacent lots

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on April 1, 1939. They further feel that to deny the request would result in manifest injustice to the appellant, and the granting of the requested exception and variance will not injure the neighborhood and that the provisions of the Building Code do not appear to have contemplated the circumstances of this specific case. The Board is also of the opinion that the relief requested by the appellant can be granted under the provisions of Section 15, of Chapter 40A of the General Laws (Ter. Ed.) of Massachusetts in that the conditions and circumstances outlined above do not affect generally the zoning district in which the lot is located and a literal enforcement of the applicable provision of the law would involve substantial hardship and desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of said provisions.

The appeal, therefore, is granted and the Building Inspector is authorized to issue a permit for construction of a canopy in accordance with the plan on file with this Board.

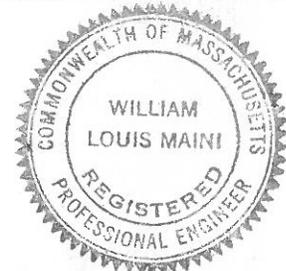
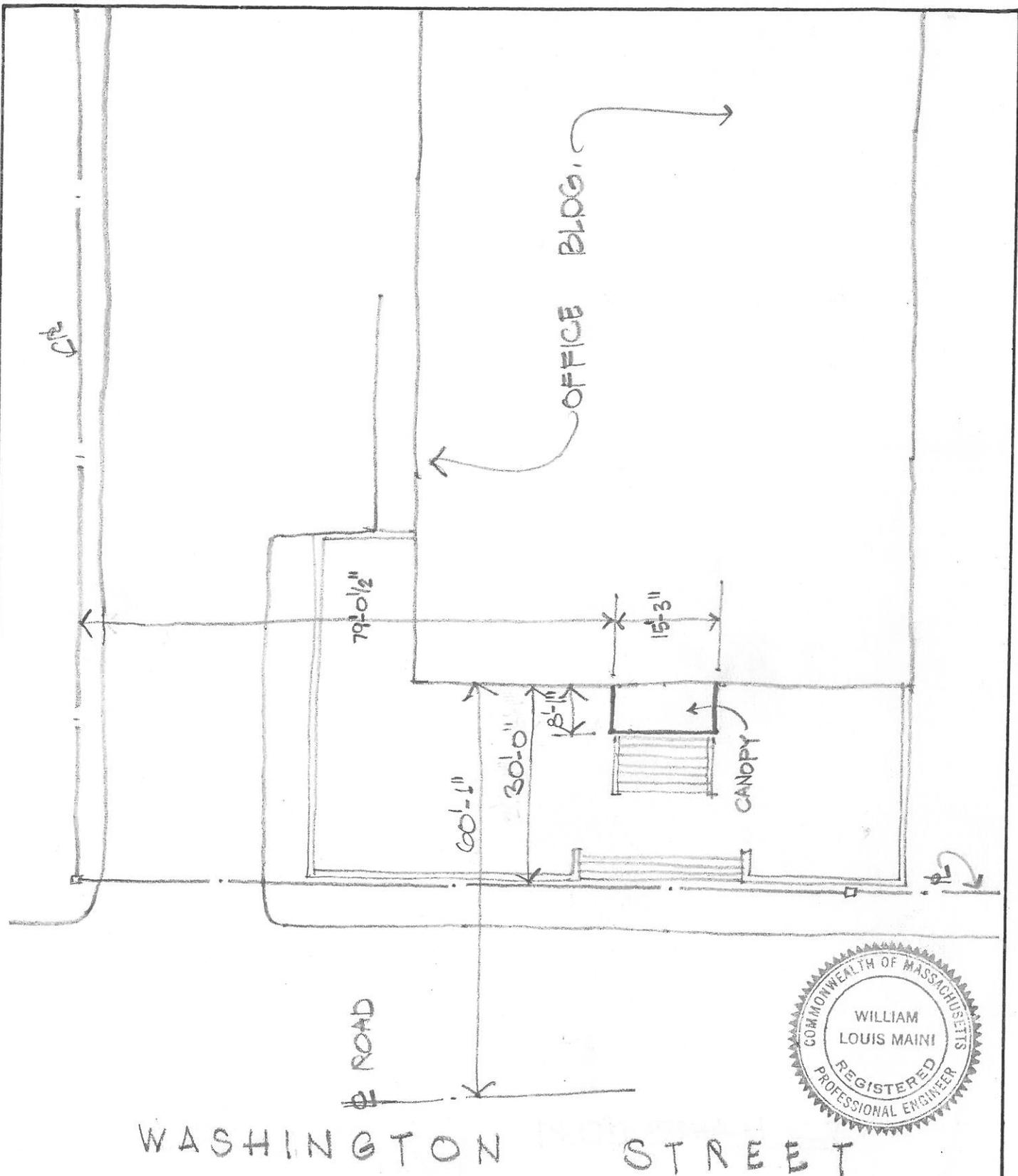
Richard O. Alorich
Richard O. Alorich

F. Lester Fraser
F. Lester Fraser

Edward T. Kilmain
Edward T. Kilmain

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project		title		SK 4
OFFICE BUILDING FOR ONE WASHINGTON STREET WELLESLEY MASS.		CANOPY ADDITION		
SYMMES MAINI & McKEE INC architects cambridge		scale 1/4" = 20'	dr. by J.K.M.	
		date 3 MAY 1966	ck. by	job no. 6514