66-63

TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

RICHARD O. ALDRICH
DANA T. LOWELL
F. LESTER FRASER

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Nathaniel and Rhoda Marks

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 8:20 p.m. on December 14, 1966, on the petition of Nathaniel and Rhoda Marks, requesting a special exception from the terms of Section XIX of the Zoning By-law which would allow them to construct an addition on the side of their dwelling at 24 Bluebird Road 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 November 28, 1966, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Nathaniel Marks spoke in support of the appeal at the hearing.

A letter favoring the request was received from Sawyer Kanter, as Bluebird Road.

The Planning Board opposed granting the request.

Statement of Facts

The house involved, which was built in 1955, is located within a single-residence district requiring a minimum lot area of 10,000 square feet . It contains 10,454 square feet.

The petitioners seek permission to construct an addition 13.5' x 17.7' on the easterly side of their dwelling in order to provide a study-bedroom for Mr. Mark's mother who is coming to live with the petitioners. The house contains only three bedrooms which are now all occupied by the petitioners and their children. It was stated that the petitioners tried to purchase a ten-foot strip from the adjacent property owner, but were unsuccessful. It was further stated that while the proposed addition, if built, will lie only ten feet from the lot side line, it will be approximately fifty-five feet from the house on the adjacent lot. In the opinion of the petitioners, the proposed addition not only will be beneficial to them, but also will improve the appearance of the dwelling and enhance the attractiveness of the area.

A plot plan was submitted drawn by Benjamin W. Fink, C. E., dated November, 1966, which showed the dwelling on the lot as well as the proposed addition. Said plan showed the proposed addition to be ten feet from the lot line on the easterly side.

Decision

The Board has made a careful study of the plans submitted and has taken a view of the locus. The house was built in 1955, on a lot which adjoined other land of the same owner on April 1, 1940. The Board, therefore,

is not authorized to make a special exception under Section XIX of the Zoning By-law as said section authorizes the Board to grant such exceptions only if on April 1, 1940, the lot was owned of record under a separate and distinct ownership from adjacent lots. The Board, however, considered the petition under the provisions of General Laws, Chapter 40A, Section 15. Bluebird Road was developed during the last twelve years, and it appears to the Board that virtually all the dwellings in the area have side yards at least the minimum width of twenty feet. The Board feels that to allow an encroachment of this kind, even though the house on the adjoining lot is some distance from its rear lot line, would be detrimental to the neighborhood and would establish an undesirable precedent. Moreover, the Board feels that petitioners can provide the desired additional room in conformity with the Zoning By-law by constructing it at the rear of the dwelling. Therefore, the Board finds no "substantial hardship" within the meaning of Chapter 40A, Section 15, of the General Laws.

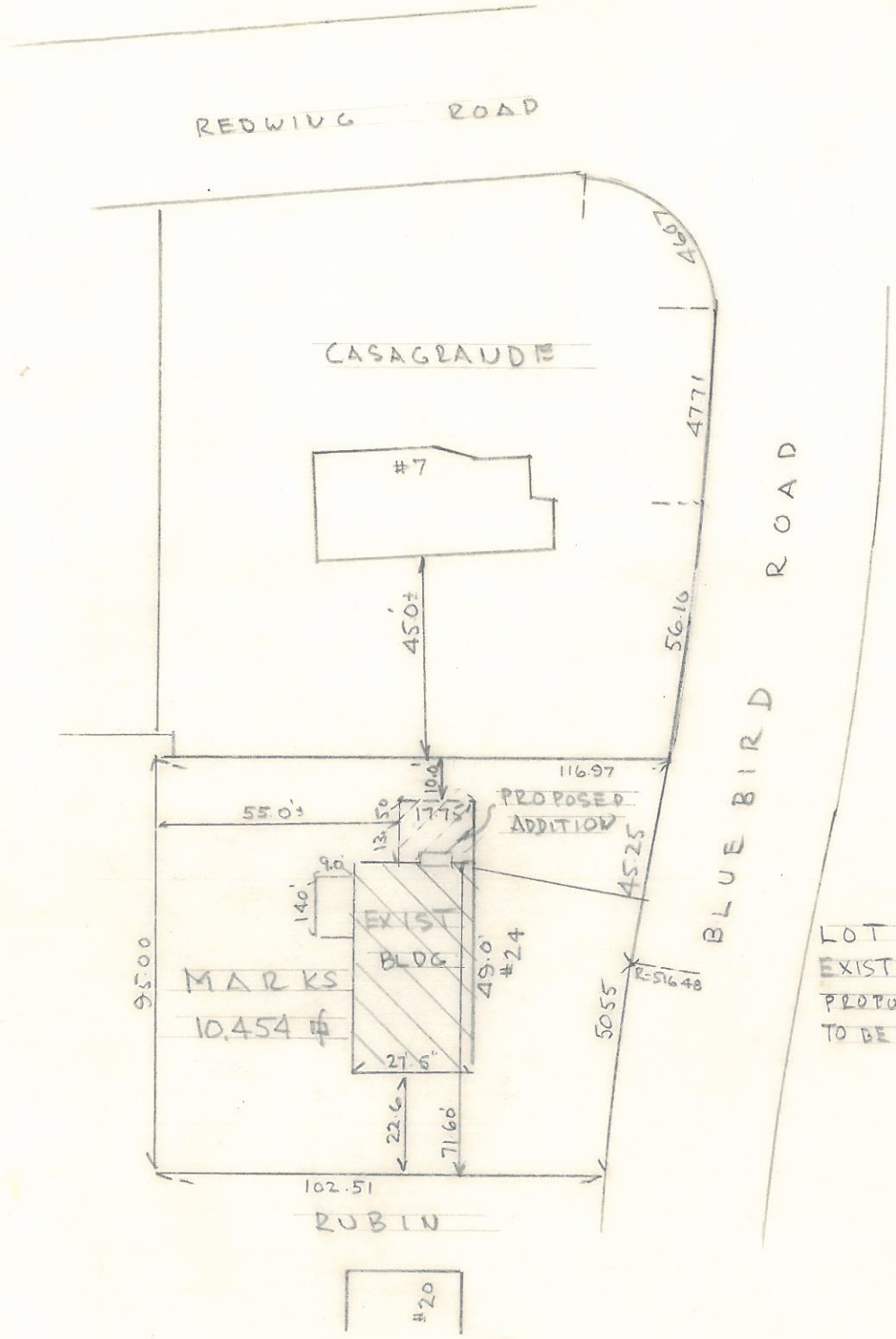
Accordingly, the request is denied and the petition dismissed.

Richard O. Aldrich

Dana T. Lowell

F. Lester Fraser

Filed with Town Clerk_____



LOT AREA = 10,454 □'
EXIST. BLDG AREA = 1483 □'
PROPOSED ADDITION = 130 □'
TO BE OCCUPIED 15.5%

LAND IN WELLESLEY, MASS
SCALE 1" = 40' NOVEMBER, 1966
BW. FINK C.E. BOSTON, MASS

COMMONWEALTH OF MASSACHUSETTS
BENJAMIN W. FINK 2167 REGISTERED PROFESSIONAL ENGINEER

COMMONWEALTH OF MASSACHUSETTS
BENJAMIN W. FINK REGISTERED C.E. CIVIL ENGINEER