



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
CE 5-1664

Petition of Thomas M. and Barbara M. Potts

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 8:05 p.m. on March 31, 1966, on the petition of Thomas M. and Barbara M. Potts, requesting an exception from the terms of Section XIX of the Zoning By-law which would allow the dwelling owned by them at 16 Princeton Road to remain in its present location with a side yard less than the required twenty feet. Said request was made under the provisions of Section XIX of the Zoning By-law and Chapter 40A, Section 15, of the General Laws.

On March 7, 1966, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Henry D. White represented the petitioners at the hearing.

Statement of Facts

The house involved was built in 1950, and is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The petitioners seek permission which will allow the dwelling involved to remain in its present location. Its rear is only 19.7 feet and its front only 19.6 feet from the southwesterly side line and the protruding chimney only 18 feet, instead of the required twenty. The house was built in 1950, after the effective date of the Zoning By-law requiring a twenty-foot side yard and has been sold several times. When the petitioners agreed to purchase it recently their bank checked the location of the dwelling and for the first time revealed the violation of the side yard requirements.

A plot plan, drawn by MacCarthy Engineering Service, Inc., Natick, Mass., dated January 27, 1966, was submitted. It was pointed out that undue hardship would result to the petitioners if they were required to tear down that part of the house which is in violation.

Decision

The Board is unable to make the findings prescribed as conditions under which an exception may be granted under Section XIX of the Zoning By-law, because the lot involved was not held of record under a separate and distinct ownership from adjacent lots on April 1, 1940, but it has considered the request under the provisions of Section 15, Chapter 40A, of the General Laws. In its opinion this case involved circumstances peculiar to this building and not affecting the district generally, and a literal enforcement of Section XIX of the Zoning By-law which would require the petitioners to remove a portion of their house, would cause a substantial hardship to the petitioners which can be avoided without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of said by-law.

Accordingly, the requested exception is authorized under the provisions of Section 15, Chapter 40A, of the General Laws, and the dwelling involved may remain in its location as shown on the plan submitted and on file with this Board.

[Handwritten Signature: Garrett S. Hoag]

Garrett S. Hoag

[Handwritten Signature: Dana T. Lowell]

Dana T. Lowell

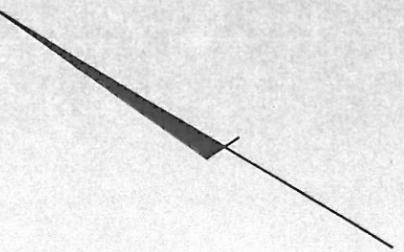
[Handwritten Signature: F. Lester Fraser]

F. Lester Fraser

Filed with Town Clerk _____

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UPSON ROAD

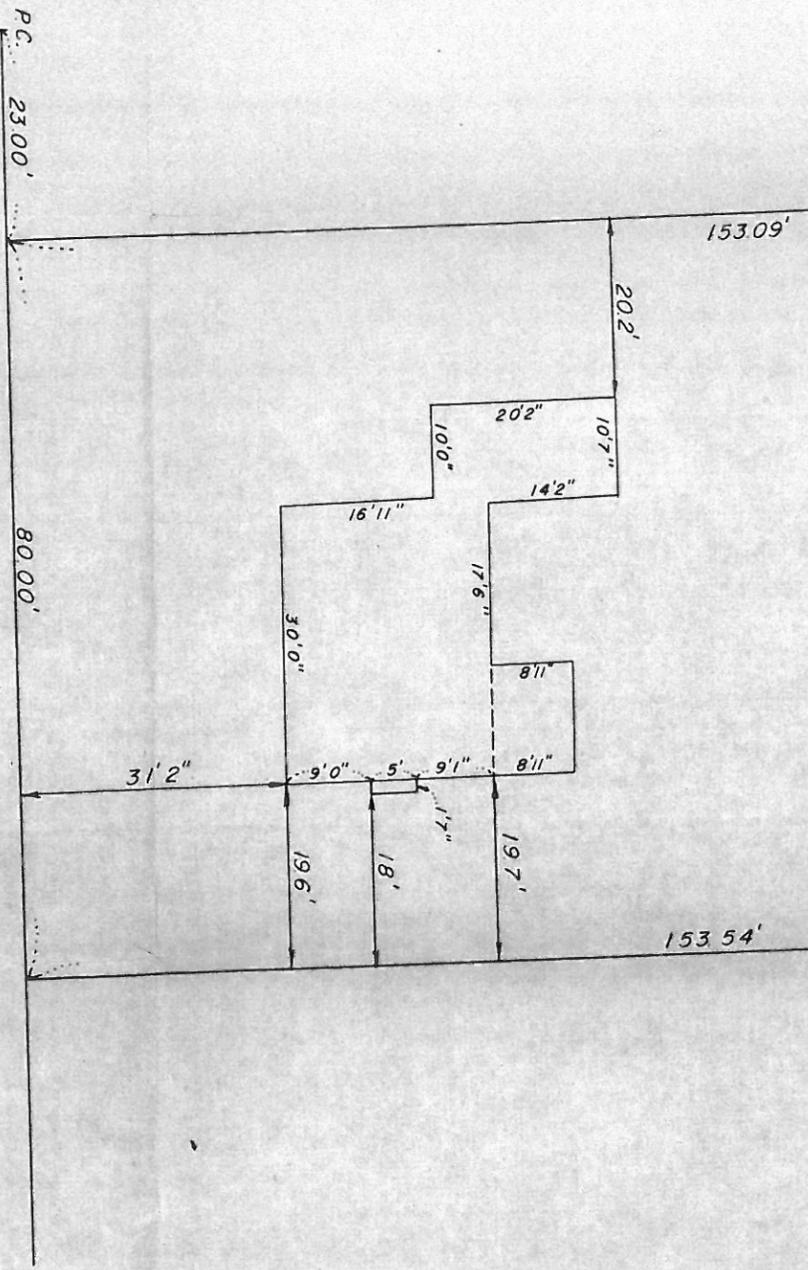
77.44'

2.56'

LOT 51-A
12,270[±]

Wadsworth S & Sarah
Stone

Walter G II & Joan B
Eberle



Princeton Road

Approved by:
Wellesley Board of Appeals

Date _____

Plan of Land in Wellesley, Mass.
(Showing Existing Building)

Scale: 1" = 20'

Jan. 27, 1966



Plan by: McCarthy Engineering Service Inc.
Natick, Mass.