



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Harvey N. and Sally D. Rose

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 26, 1969, on the petition of Harvey N. and Sally D. Rose, requesting an exception from the terms of Section XIX of the Zoning By-law which would permit them to construct a connection between their existing dwelling and garage at 25 Lehigh Road. Said connection would create a violation of Section XIX of the Zoning By-law which requires a twenty-foot side yard, and a variance was requested under the provisions of Chapter 40A, Section 15, of the General Laws.

On June 10, 1969, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Harvey N. Rose spoke in support of the petition at the hearing.

Dr. Paul T. Catinella, 26 Lehigh Road, favored the request, but questioned whether a precedent would be established if the variance is granted. He further questioned whether any future construction could be performed above the garage without obtaining permission from the Board of Appeal.

Clifford W. Dickinson, Jr., 29 Lehigh Road, stated that he had no objections to the request.

Statement of Facts

The house involved is on a lot of land containing 20,000 square feet. It is located within a Single-residence District requiring a minimum lot area of 20,000 square feet, and was built over thirty years ago as a caretaker's house on an estate. Approximately ten years ago, the estate was subdivided into house lots and since then it has been developed with the construction of single-family dwellings.

The house is a two-story, five-room house with two bedrooms, living room, dining room and kitchen. It is located approximately forty feet from the street with a single-car detached garage located approximately thirty feet from it on the southerly side and 11.7' from the southerly lot line.

The petitioners seek permission to construct an addition approximately 28' x 29' which will form a connection between the existing house and the detached garage and will provide a family room on the first floor with a bedroom above and an additional single-car garage which will increase the garage capacity to two cars.

It was stated at the hearing that the existing house is small

TOWN OF WELLESLEY
CLERK'S OFFICE
GENERAL

and out of character with the other houses in the neighborhood. The proposed addition, if built, will not only provide the additional space needed by the petitioners for their growing family, but it will enlarge and improve the house thus making it more comparable to the other houses in the area.

A plot plan was submitted, drawn by Gleason Engineering Company, dated June 10, 1969, which showed the existing dwelling on the lot and the proposed addition.

Decision

The Board has made a careful study of the facts submitted and has viewed the locus. The house and detached garage in their present location are in compliance with the provisions of both the Zoning By-law and the Building Code, however, the construction of the proposed addition will create a violation of the side yard requirement of twenty feet as the garage stands only 14.7' from the side lot line.

The Board agrees with the petitioners' contention that the proposed addition is the most practical way to get the additional space needed and that the addition as designed, will be an improvement to the neighborhood. Although technically a violation of the side yard requirement will be created as a result of the proposed addition, however, no further encroachment will result from the proposed connection.

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, considered the petition under the provisions of the General Laws, Chapter 40A, Section 15. In its opinion, a literal enforcement of Section XIX of the Zoning By-law would cause a substantial hardship to the petitioners and the requested relief can be granted without substantially derogating from the intent or purpose of said by-law and without substantial detriment to the public good.

It is the opinion of this Board that because the house involved is the only small house in the entire development, and presently is out of character with the other houses in the neighborhood, that conditions do affect this parcel which do not affect the zoning district generally and that the requested variance can be granted.

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


Richard O. Aldrich

Dana T. Lowell

F. Lester Fraser

Filed with Town Clerk _____

Allen W. & Agnes E.
Manter

Douglas M. & Faye P. Lowe

Ruth S. Frake

125.00

20,000 sq. ft.

Clifford W. & Roberta R. Dickinson

Frederick G. & Martha A. Comeel

160.00'

160.00'

82.2.6'
EXISTING
GARAGE

24.0'

28.0'

EXISTING
DWELLING
No. 25

14.7'

40'

13.0'

16.0'

39'

36'

125.00'

LEHIGH

ROAD

PLAN OF LAND
IN

WELLESLEY, MASS.

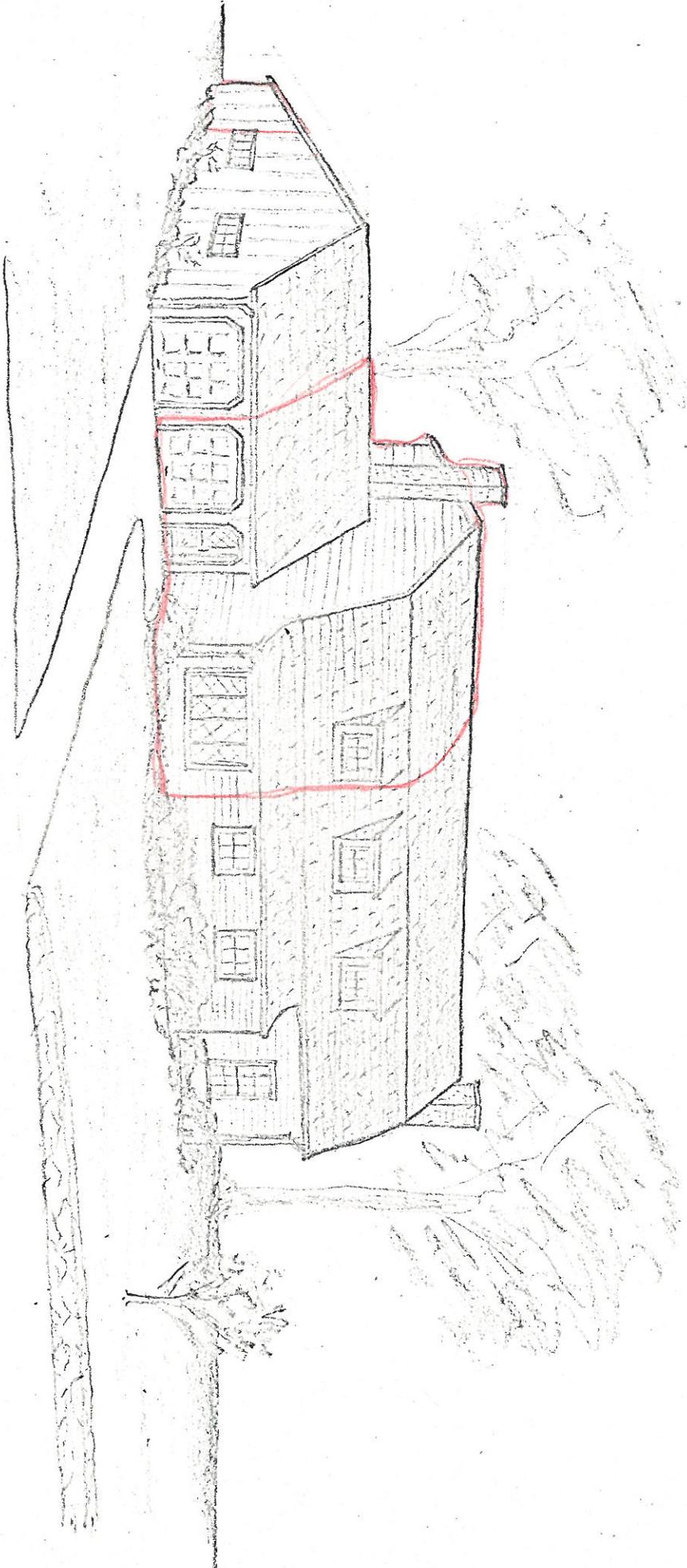
OWNED BY

HARVEY N. & SALLY D. ROSE

Scale 40 feet to an inch

June 10, 1969

Gleason Engineering Company



25 LEHIGH RD.
WELLESLEY