

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

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KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Albert and Marion Rae Auburn

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 8:50 p.m. on March 23, 1972, on the petition of Albert and Marion Rae Auburn, requesting an exception from the terms of Section XIX of the Zoning By-law which would permit them to construct a breezeway between their existing dwelling and garage at 33 Avon Road. Said connection would create a violation of Section XIX of the Zoning By-law which requires a twenty-foot side yard.

On February 15, 1972, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Albert Auburn spoke in support of the petition at the hearing.

No objections were made at the hearing and no letters of objections were received to the granting of the request.

Statement of Facts

The house involved, which was built in 1928, prior to the enactment of the Zoning By-law requiring a twenty-foot side yard, is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The petitioners seek permission to construct an enclosed breezeway between their house and detached garage which will provide a family room on the first floor. It was stated that the existing house is small and the proposed addition, if built, will provide the needed space for the petitioners and their growing family.

A plot plan was submitted, drawn by Alexander Crucoli, dated July 17, 1971, which showed the existing house and existing detached garage. Said plan showed the garage to be 17.1' from the dwelling on the property and 2.1' from the lot line on the easterly side. The proposed breezeway will be approximately 13' x 17.1'.

Decision

The Board has made a careful study of the facts submitted and has viewed the locus. The house stands in compliance with the setback regulations from both Avon Road and Maurice Road and the detached garage also complies with with the setback requirement from Maurice Road, as well as the setback from the lot line. In 1970, this Board granted the petitioners permission to replace an old detached garage with the existing garage, and at that time found that the proposed garage would not prove detrimental to the public good nor injure the neighborhood, and it was the further opinion of the Board that the proposed location of the garage should not result in a greater fire risk to the dwelling on the property or to surrounding properties.

Although technically a violation of the side yard requirement will be

created as a result of the proposed breezeway being constructed, however, no further encroachment will result from the proposed connection.

The facts in this case satisfy the conditions set forth in Section XIX of the Zoning By-law, as the lot involved was held under a separate and distinct ownership from adjacent lots on April 1, 1940, and although it is rectangular in shape, it is narrow, and the house is so situated on the lot, that an addition could not be built on the property without encroaching into the front and side yards. The lot is a corner lot which imposes further restrictions upon the location of buildings and structures on the lot.

For these reasons the Board feels that a special exception can be granted under the terms of Section XIX of the Zoning By-laws which will allow the petitioners to construct the proposed breezeway and the plan submitted appears to be the only practical way to take care of the petitioners' needs.

Accordingly, the requested exception is granted and the Inspector of Buildings is authorized to issue a permit for the construction of the addition as shown on the plan submitted and on file with this Board.

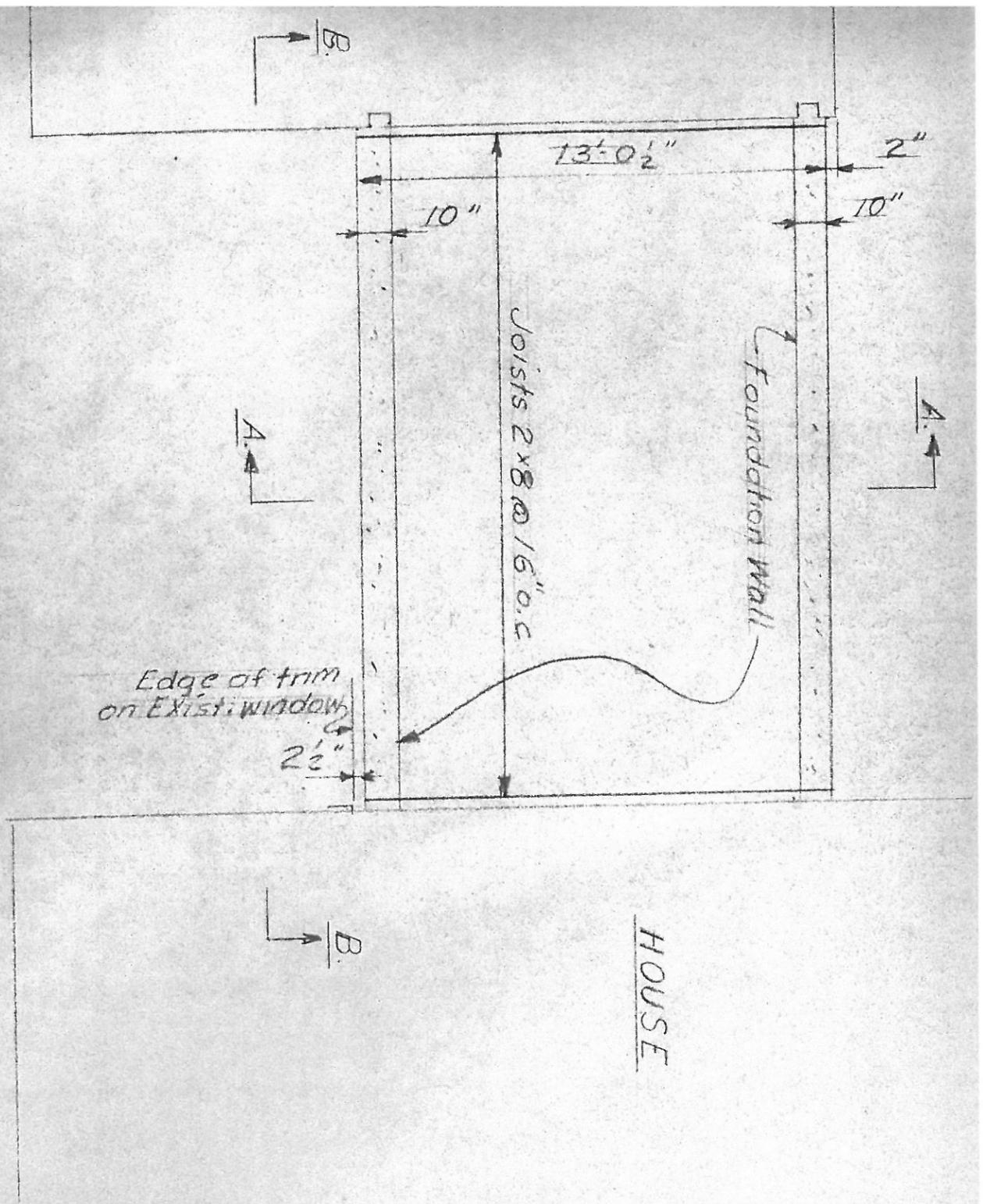
Philip W. R. Cahill
Philip W. R. Cahill

Dana T. Lowely
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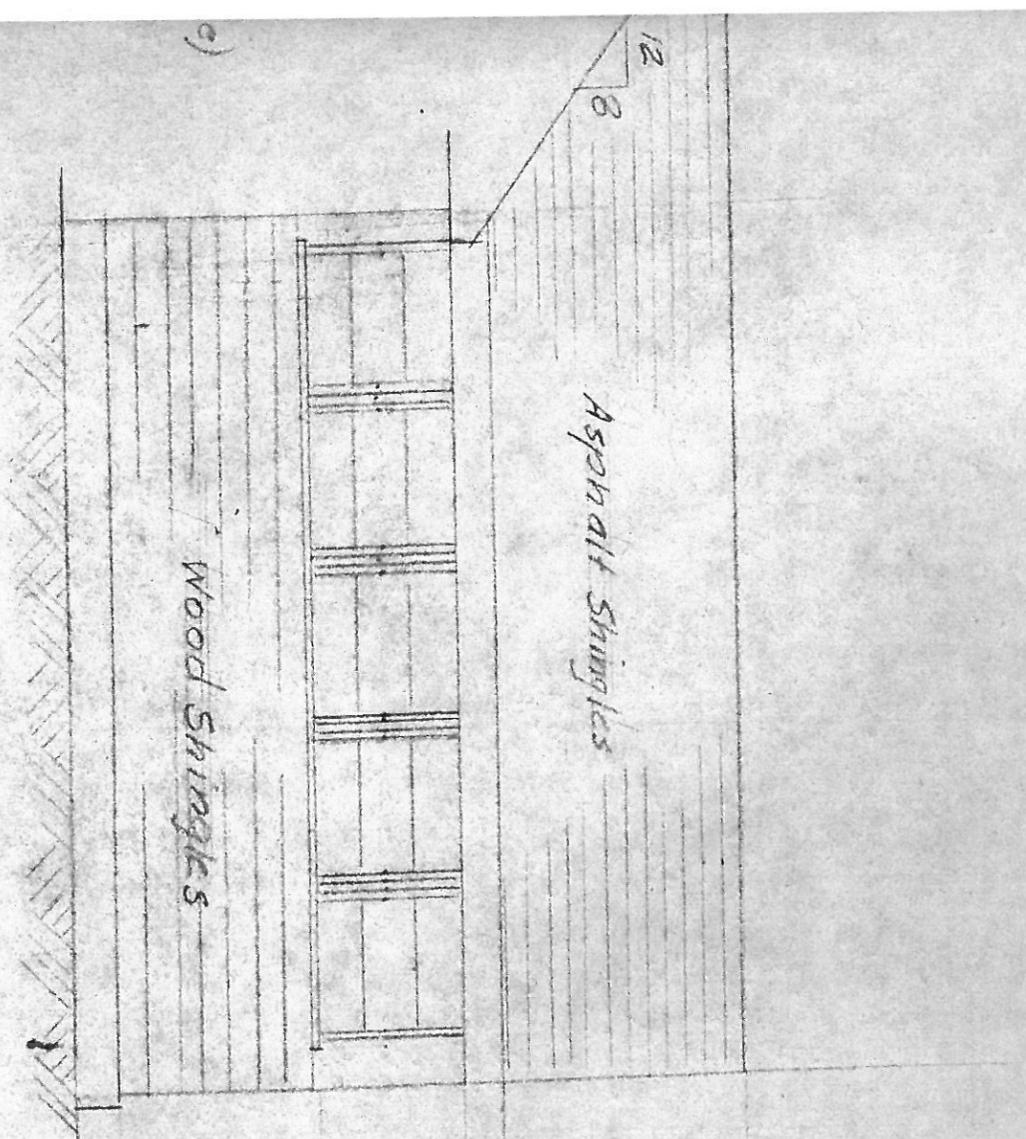
F. Lester Fraser
F. Lester Fraser

Filed with Town Clerk _____

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PLAN
 Scale 1/4" = 1'-0"



PROPOSED BREEZEWAY
 FOR
 AUBURN RESIDENC

