



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
 TELEPHONE
 235-1664

Petition of Wayne A. and Martha F. Cunningham

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 August 17, 1972, on the petition of Wayne A. and Martha F. Cunningham, requesting an exception from the terms of Section XIX of the Zoning By-law which will allow the petitioners to construct a swimming pool at the rear of their dwelling at 243 Weston Road with a side yard less than the required twenty feet.

On August 1, 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.

Wayne A. Cunningham spoke in support of the request at the hearing.

No objections were made to the granting of the request.

Statement of Facts

The lot involved which contains 15,388 square feet, is located within a single-residence district, requiring a minimum lot area of 10,000 square feet. The house on the lot was built in 1926, prior to the enactment of the Zoning By-law requiring twenty-foot side yards.

The petitioner seeks permission to erect a swimming pool 18' x 36' , to be located twenty feet from the boundary line on the southerly side and 14.5' from the boundary line on the northerly side. If built, it will be approximately eighty feet from the rear of the dwelling and approximately thirty-five feet from the detached garage on the property.

It was stated at the hearing that the proposed location of the pool appears to be the most feasible as the petitioners desire to maintain a play yard for their children. It would also be undesirable to locate the pool near the detached garage which has a wide paved driveway leading to it. It was further pointed out that due to the ledge at the rear of the lot, it would not be possible to turn the pool lengthwise and have it extend farther back on the lot.

A plot plan was submitted, drawn by Alex Cruciole, Chelsea, Mass., Land Survey, which showed the proposed pool as well as the other buildings on the property.

Decision

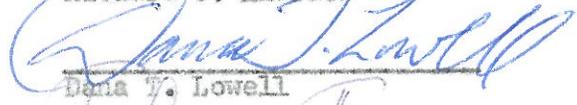
The facts in this case satisfy the conditions set forth in Section XIX of the Zoning By-law on which the Board's authority depends to grant a special exception from the application of the side yard restriction of the Zoning By-law. The house was built in 1926, prior to the enactment of the side yard requirement and was held of record on April 1, 1940, under a separate and distinct ownership from adjacent lots. While the lot contains 15,388 square feet,

it is only seventy feet in width, therefore, due to the width and shape of the lot, compliance with the by-law would be impracticable.

The Board has taken a view of the locus and has made a careful study of the evidence submitted. It has also given careful consideration to the possibility of relocating the proposed pool in a manner which would comply with the Zoning By-law. It is the opinion of this Board that the proposed location of the pool is the most practical place for it due to the shape of the lot, the ledge at the rear and the location of the buildings on the lot, and it is the further opinion of the Board that the proposed pool will not prove detrimental to the public good nor derogate from the intent or purpose of the by-law.

For these reasons, the Board feels that a special exception can be granted under the terms of Section XIX of the Zoning By-law which will allow the petitioners to construct a swimming pool as shown on the plan submitted and on file with this Board.

Accordingly, the requested exception is granted and the Inspector of Buildings is authorized to issue a permit for a swimming pool to be constructed in accordance with the plan submitted.


Richard O. Aldrich

Dana T. Lowell

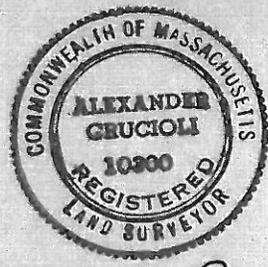
F. Lester Fraser

1001-30 10 20 AM '35
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WAYNE COUNTY

file with Tom Clerk _____

PLAN OF LAND
IN
WELLESLEY-MASS.

Scale: 1" = 40'
SURVEYOR Alex. Crucoli
57 Winthrop Rd.
Chelsea, Mass.



Alexander Crucoli

