

TOWN OF WELLESLEY



MASSACHUSETTS

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

BOARD OF APPEAL

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

OCT 31 11 56 AM '72

Petition of William W. Jr. and Joan B. Hale

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 8:15 p.m. on September 28, 1972, on the petition of William W. Jr. and Joan B. Hale, requesting a variance from the terms of Section XIX of the Zoning By-law which will permit them to construct an addition on the side of their dwelling at 55 Kenilworth Road with a side yard less than the required twenty feet. Said petition was made under the provisions of Chapter 40A, Section 15, of the General Laws.

On September 8, 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.

John Bok, attorney, represented the petitioners at the hearing.

Sandra L. Roberts, 52 Kenilworth Road and Ellen Bresnick, 48 Kenilworth Road, spoke in favor of granting the request at the hearing.

A letter favoring the request was received from Mrs. Jean Martinez, 51 Kenilworth Road.

The Planning Board in its report stated that, in its opinion, the conditions necessary to authorize the requested variance, as enumerated in Chapter 40A, Section 15, G. L., were not present.

Statement of Facts

The house involved was built in 1952, on a lot containing 18,000 square feet, and is located within a Single-residence District requiring a minimum lot area of 20,000 square feet.

The petitioners seek permission to construct an addition approximately 5' x 23' on the side of their attached garage in order to widen the garage so that it can accommodate two modern-size cars, and to construct a bedroom above approximately 23' x 23'. The addition if built, will lie 17.06' from the boundary line on the northerly side rather than the required twenty feet. It was stated that without the proposed addition, it is impossible to get a second car into the garage which is now only 19' wide. The addition above the garage will provide a bedroom which the petitioners need for their growing family. In addition to the construction on the northerly side of the dwelling, it is proposed to construct an addition on the easterly side which, if built, will provide an enlargement for the kitchen, a family room, a play room and an outside deck. This addition, while tied into the addition on the northerly side of the house, will not violate the Zoning By-law. It was stated that there is a real need for the proposed additions which it is felt will add to the value of surrounding properties and will not derogate from the intent and purpose of Section XIX of the Zoning By-law.

A plot plan was submitted, drawn by Alexander Crucioli, Chelsea, dated June 5, 1972, which showed the existing dwelling on the lot as well as the proposed additions.

Decision

It is the opinion of this Board that a real need exists for the proposed additions which will provide needed space for the petitioners' family as well as a full-size two-car garage. The house was built in 1952, 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 or before April 1, 1940 the lot was owned of record under a separate and distinct ownership from adjacent lots. The Board, however, has considered the petition as seeking a variance under the provisions of General Laws, Chapter 40A, Section 15, and in its opinion, the desired addition will not change the character and appearance of the immediate neighborhood. It is the further opinion of the Board that owing to conditions especially affecting this parcel but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the by-law would involve substantial hardship to the petitioners. Due to the placement of the house on the lot and the width of the present garage, the Board feels that the criteria required to grant a special exception or variance is met in this case.

The Board, therefore, feels that the requested variance may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law, and that manifest injustice may result if the request is denied.

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

Richard C. Aldrich
Richard C. Aldrich
Dana T. Lowell
Dana T. Lowell
F. Lester Fraser
F. Lester Fraser

Filed with Town Clerk _____

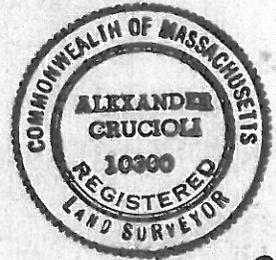
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PLAN OF LAND
IN
WELLESLEY—MASS

OWNED BY

William W Jr and Joan B Hale
Scale: 1"=30" June 5, 1972

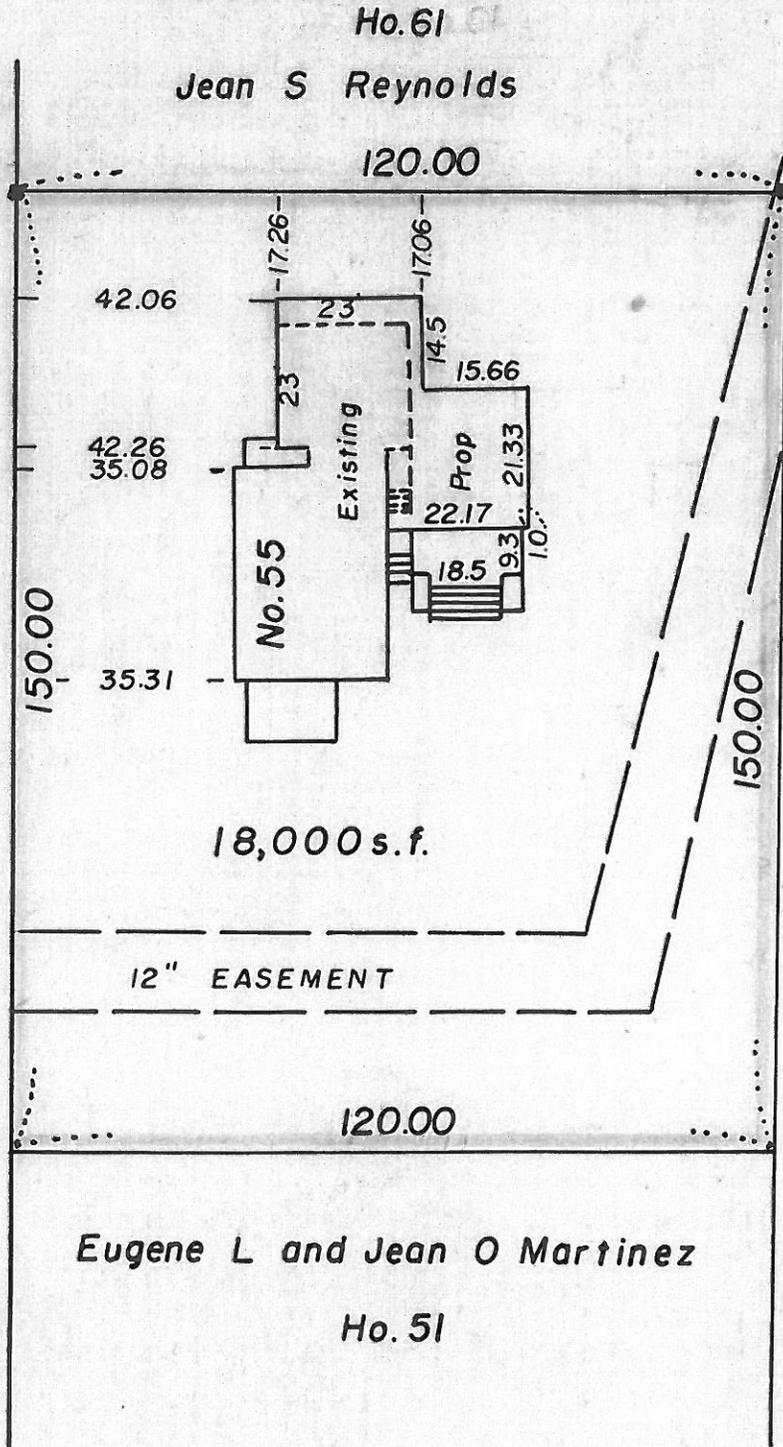
SURVEYOR: Alex. Crucoli
57 Winthrop Rd.
Chelsea, Mass.



Alexander Crucoli



Kenilworth Rd.



Ho. 7
Perry S & Lorraine Ury

Ho. 11
Costas M & Elena M Proussis