



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

BOARD OF APPEAL

RECEIVED
 TOWN CLERK'S OFFICE
 WELLESLEY MASS.
 Nov 16 4 34 PM '72

KATHARINE E. TOY, CLERK
 TELEPHONE
 235-1664

Petition of Harold E. and Selma B. Lerner

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 September 28, 1972, on the petition of Harold E. and Selma B. Lerner, requesting a special exception from the terms of Section XIX of the Zoning By-law which will permit them to construct an addition on the rear of their dwelling at 2 Clifford Street with a side yard less than the required twenty feet. Said request was made under the provisions of Chapter 40A, Section 15, of the General Laws.

On September 13, 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.

Harold E. Lerner spoke in favor of the request at the hearing.

The Planning Board in its report stated that, in its opinion, the conditions enumerated in Chapter 40A, Section 15, G. L., are not present.

Statement of Facts

The dwelling involved is located within a Single-residence District requiring a minimum lot area of 10,000 square feet. It was built in 1966 on a lot containing 10,000 square feet.

The petitioners seek permission to construct a porch 10' x 20' on the rear of their dwelling. If built, it is to be enclosed with a roof over. It was pointed out that due to the peculiar shape of the lot as well as it being a corner lot, which imposes greater restrictions, there is no alternative which would not require a variance.

A plot plan was submitted, drawn by MacCarthy Engineering Service, Inc., Natick, dated August 16, 1972, which showed the existing dwelling on the lot as well as the proposed addition. Said plan/the proposed addition to be 17' from the easterly boundary line. Elevations of the proposed addition were also submitted.

Decision

The Board has made a careful study of the plans submitted and has taken a view of the locus. The house was built in 1966 on a lot of land which adjoined other land of the same owner on April 1, 1940. This Board, therefore, cannot 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 April 1, 1940, the lot was owned of record under a separate and distinct ownership from adjacent lots. The Board, however, considered the petition under the provisions of Chapter 40A, Section 15, of the General Laws, and in its opinion, the desired addition is needed and 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

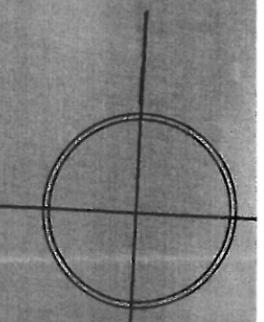
hardship to the petitioners. While the lot contains 10,000 square feet, it is peculiar in shape, with the usable portion of the lot approximately 80' x 110', with the remaining portion extending out at an angle. The lot is also a corner lot which imposes greater setback requirements from both street lines and lot lines. The Board is of the further opinion that the construction of the proposed addition as shown on the plan submitted, will not change the character and appearance of the immediate neighborhood and 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.

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
Richard O. Aldrich
Lana T. Lowell
Lana T. Lowell
F. Lester Fraser
F. Lester Fraser

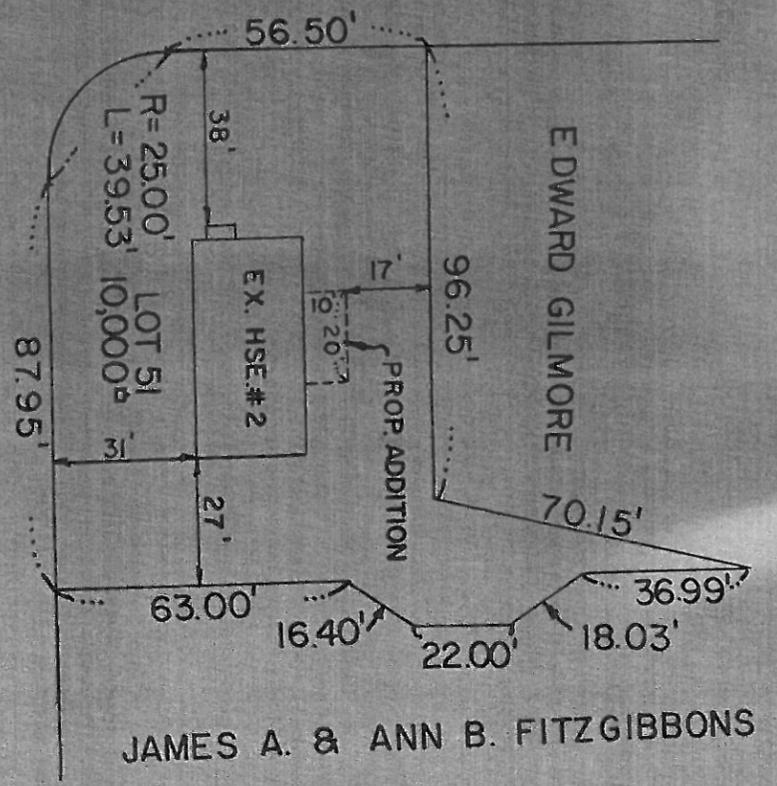
Filed with Town Clerk _____

NOV 12 4 30 PM '15
METTLESTEAMERS
TOWN CLERK'S OFFICE
RECEIVED



WELLESLEY AVE.

CLIFFORD ST.



JAMES A. & ANN B. FITZGIBBONS

APPROVED BY:
WELLESLEY BOARD OF APPEALS

DATE: _____

PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY:

HAROLD E. &
SELMA B. LERNER.

SCALE: 1" = 40'

AUG. 16, 1972



JOSEPH R. SULLIVAN
REGISTERED LAND SURVEYOR

PLAN BY:
MAC CARTHY ENGINEERING SERVICE INC.
NATICK & MARLBOROUGH, MASS.