

Mailed
10-29-40

TOWN OF WELLESLEY



MASSACHUSETTS

STANLEY W. LEIGHTON
WALTER A. BARROWS
CARL E. ANDERSON

BOARD OF APPEAL

TELEPHONE
WEL. 1615-R

October 25, 1940

APPEAL OF VICTOR AND MARY CONONI

The Board of Appeal held a duly notified public hearing in the Lower Town Hall on October 24, 1940 in the appeal of Victor and Mary Cononi from the refusal of the Inspector of Buildings to issue a building permit for a house on their lot at 65 Donazette Street. The reason for the refusal was that the proposed house would violate the 20 foot side yard requirement of the Zoning By-Law.

The lot is 62 feet wide. The proposed house is 24 feet wide. This leaves 38 feet for side yards. The appellants are willing to use this for two side yards of 19 feet each, or for a side yard of 20 feet on the south side next to the Shamitz house (which is only ten feet from the side line of its lot) and a side yard of 18 feet on the north side next to the lot of George and Rose Cononi (which is now before us in appeal - see decision filed herewith). Many houses in this neighborhood have side yards of less than 20 feet (see decision on appeal of Neillian Realty Co. dated September 24, 1940). We examined the plans of the proposed house and agree that it would be impracticable to make it two feet narrower. No one objected.

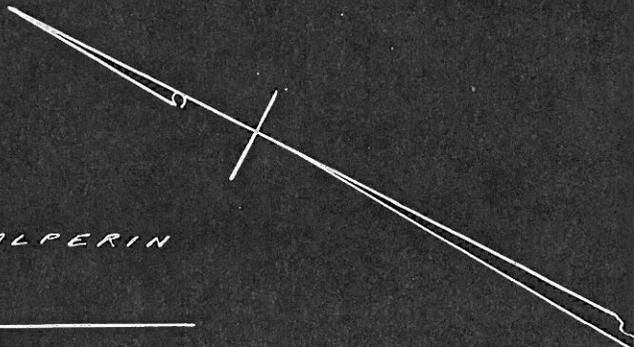
This lot having been under the same ownership as the adjoining lot on April 1, 1940, no relief can be given under Section 9-C of the Zoning By-Law. However, we find that owing to conditions especially affecting this lot but not affecting generally the Zoning district in which it is located, a literal enforcement of the provisions of the By-Law would involve substantial hardship to the appellants, and that desirable relief may be granted without substantial detriment to the public good and without substantially derogating from the intent or purpose of the By-Law. We therefore authorize a variance from the terms thereof so as to permit the proposed house to be placed 20 feet from the south side line of the lot and 18 feet from the north side line. The refusal of the Inspector of Buildings to issue a permit is annulled and he is directed to issue a permit accordingly.

S. W. Leighton

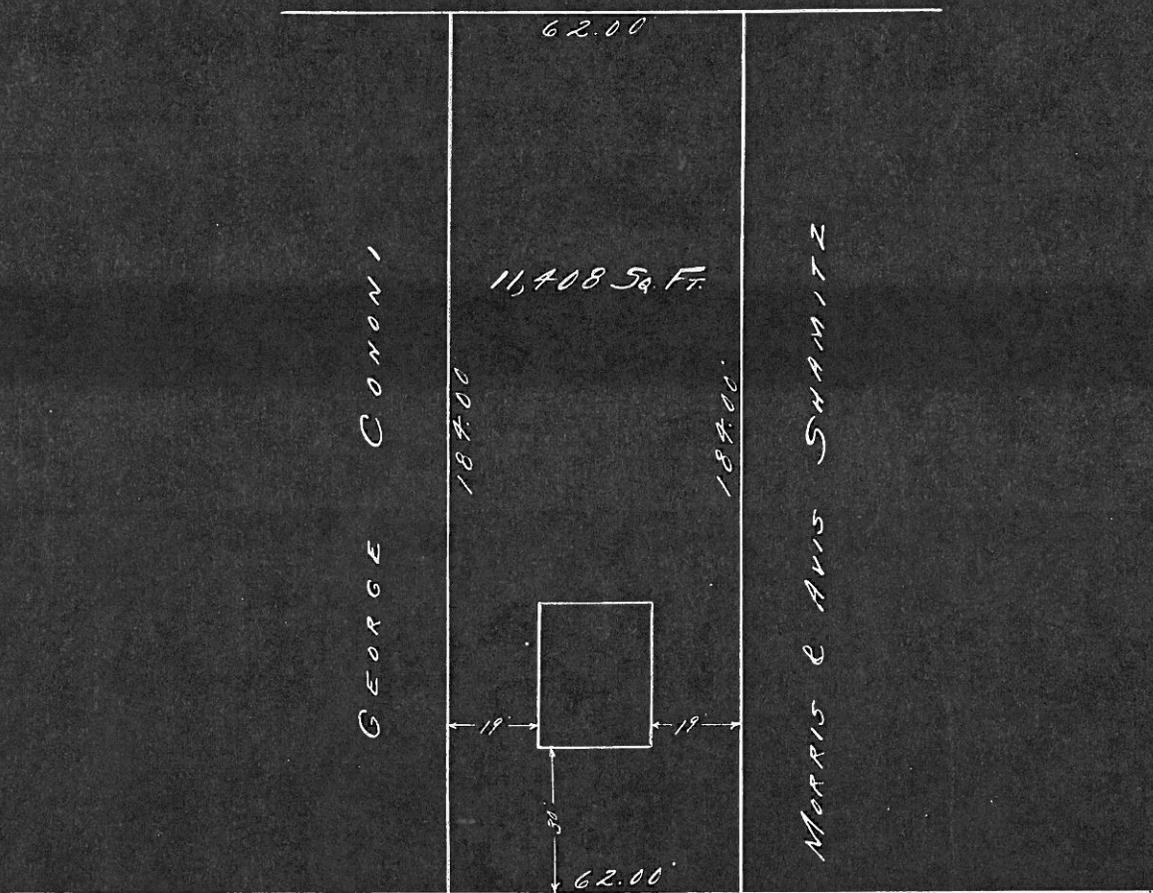
W. A. Barrows

C. E. Anderson

TOWN OF WELLESLEY
BUILDING PERMIT PLOT PLAN
FOR
VICTOR & MARY CONONI
SCALE 1" = 40' OCTOBER 10, 1940.
GLEASON ENGINEERING COMPANY



FANNIE E. HALPERIN



DONAZETTE STREET

WE HEREBY CERTIFY THAT ON OCTOBER 10, 1940 THE BUILDING SHOWN ON THIS PLAN WAS INDICATED THUS: BUILDING PLOTTED ON
GLEASON ENGINEERING CO.