

TOWN OF WELLESLEY



69-52
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WELLESLEY, MASSACHUSETTS

BOARD OF APPEAL

1969 OCT 14 PM 4:16

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Appeal of Charles V. and Genevieve M.
Biladeau

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 8:00 p.m. on September 18, 1969, on the appeal of Charles V. and Genevieve M. Biladeau, from the refusal of the Inspector of Buildings to issue a permit to them to construct an attached garage on the side of their dwelling at 421 Weston Road. The reason for such refusal was that said garage would violate Chapter IV, Section 1, of the Building Code which requires that the exterior walls of a Type V building shall be at least ten feet from any party line and Section XIX of the Zoning By-law which requires that there shall be provided for all such buildings a side yard not less than twenty feet in width.

On August 22, 1969, the Inspector of Buildings notified the appellants in writing that a permit for the proposed construction could not be granted for the above-mentioned reasons, and on August 25, 1969, an appeal was taken from such refusal. Thereafter due notice of the appeal was given by mailing and publication.

Charles V. Biladeau spoke in support of the appeal at the hearing.

A letter offering no objections to the proposed garage was submitted at the hearing. Said letter was signed by seven abutting and nearby property owners.

Statement of Facts

The property involved is located within a Single-residence District requiring a minimum lot area of 10,000 square feet. The house was built on a lot containing 4,000 square feet, prior to the present area require and prior to the present side yard requirement of twenty feet.

The appellants seek permission to construct a one-car garage on the northerly side of their dwelling. The proposed garage is to be 12' x 24' and if built will lie approximately three feet from the lot side line at the nearest point. It was stated at the hearing that the appellants now park their car in the driveway and the proposed garage would provide protection during the winter months as well as greatly improve the appearance of the property.

A plot plan was submitted drawn by M & M Engineering Service & Assoc.s, Framingham, which showed the existing dwelling on the lot as well as the proposed garage.

Decision

Upon examination of a plan of the neighborhood involved and an inspection of the locus by this Board, it was found that several of the houses in the neighborhood are located closer than the required twenty feet from the

lot line. The lot is small with a frontage of only fifty feet which makes compliance with the side yard requirement of Section XIX of the Zoning By-law impracticable because of its size and shape. The lot was held of record on April 1, 1940 under separate and distinct ownership from adjacent lots. The Board further finds that there is a need for the proposed garage and that manifest injustice would result to the appellants if the requested variance is not granted and that the provisions of the Building Code did not contemplate the circumstances of this specific case.

It is, therefore, the unanimous opinion of this Board that the requested variance and exception will not injure the neighborhood and permission is granted for the proposed attached one-car garage in accordance with the plan submitted and on file with this Board.

Richard O. Aldrich
Richard O. Aldrich

Edward T. Kilmain
Edward T. Kilmain

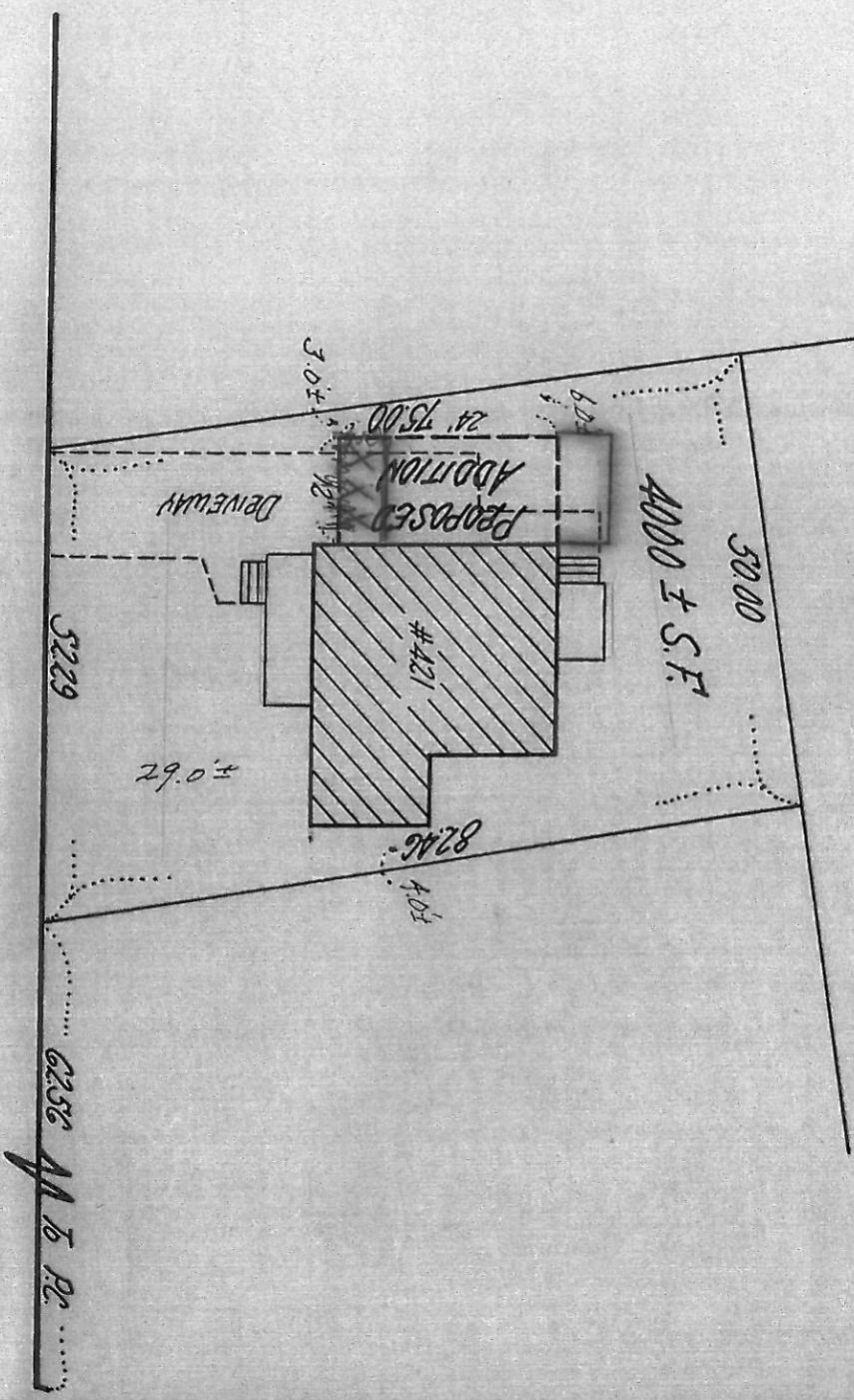
Robert T. Colburn
Robert T. Colburn

Filed with Town Clerk _____

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N OF F Mc CABE



WESTON ROAD

PLOT PLAN OF LAND IN

WELLESLEY, MASSACHUSETTS

SHOWING PROPOSED ADDITION

SCALE 1" = 20'

JULY 30, 1969

M & M ENGINEERING SERVICE & ASSOC'S
8 HASTINGS STREET FRAMINGHAM, MASS.