

TOWN OF WELLESLEY



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69-58

BOARD OF APPEAL

1969 OCT 14 PM 4:15

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Vin Di Bar Realty Trust

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 18, 1969, on the petition of Vin Di Bar Realty Trust, requesting a special exception or variance from the terms of Section XIX of the Zoning By-law which would permit the construction of a dwelling at 769 Worcester Street with a front yard less than the required width of sixty feet and a frontage less than the required sixty feet. Said request was made under the provisions of Chapter 40A, Section 15, of the General Laws and Section XIX of the Zoning By-law.

On September 2, 1969, the petitioner filed its request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Vincent A. DiRusso spoke in support of the request at the hearing.

Robert L. Abruzzese, 753 Worcester Street, questioned the petitioner's plans relative to the future development of the property.

Several other persons questioned the petitioner as to the area of the lot involved and the future development of the adjoining property.

Statement of Facts

The lot involved, which contains 53,800 square feet, is located within a Single-residence District requiring a minimum lot area of 15,000 square feet.

The petitioner seeks permission to construct a dwelling 26' x 46', on the lot involved which has a front yard and frontage of fifty feet rather than the required sixty feet. It is proposed to construct the dwelling, if permission is granted, 150' back from Worcester Street, twenty-five feet from the boundary line on the easterly side and approximately 130' from the boundary line on the westerly side. The house will comply with all other Zoning By-laws and Building Code requirements.

It was alleged at the hearing that severe hardship will result if the requested relief cannot be granted. The lot which is greatly in excess of the minimum lot area, has a narrow front yard of only fifty feet, said width extending back a distance of approximately ninety-five feet and then widening to 180'.

A plot plan was submitted, drawn by John Carr Associates, Natick, Mass., dated July 15, 1969, which showed the location of the proposed dwelling on the lot.

Decision

The Board has made a careful study of the facts submitted and has viewed the locus. In its opinion, a dwelling constructed in the proposed location on the lot with a front yard less than the required width, will not in any way prove detrimental to the character of the immediate neighborhood. While the facts in this case do not satisfy the conditions set forth in Section XIX of the Zoning By-law, as the lot was not held under a separate and distinct ownership from adjacent lots on March 23, 1964, this Board, however, considered the petition under the provisions of the General Laws, Chapter 40A, Section 15. In its opinion a literal enforcement of Section XIX of the Zoning By-law would cause a substantial hardship to the petitioner and the requested relief can be granted without substantially derogating from the intent or purpose of said by-law and without substantial detriment to the public good.

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


Richard O. Aldrich


Edward T. Kilmain


Robert T. Colburn

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