TOWN CLERK'S OFFICE
WELLESLEY, MASS.

69-7

TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Appeal of Louis F. Plzak, Jr. and Judith A. Plzak

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 January 30, 1969, on the appeal of Louis F. Plzak, Jr. and Judith A. Plzak, from the refusal of the Inspector of Buildings to issue a permit for the construction of a dwelling on Lot 30, #46 Scotch Pine Road. The reason for such refusal was that said dwelling would violate Section XIX of the Zoning By-law which requires that all dwellings shall provide side yards not less than twenty feet in width within the Town of Wellesley and Chapter IV, Section 1, of the Building Code which requires that all Type V buildings shall be placed at least ten feet from any party line within the Town of Wellesley. Said appeal was requested under the provisions of Chapter 40A, Section 15, of the General Laws, and Chapter I, Section 11, of the Building Code.

On January 13, 1969, the Inspector of Buildings notified the appellants in writing that a permit could not be issued for the construction of a dwelling on the lot involved for the above-mentioned reasons. On the same date the appellants took an appeal therefrom. Thereafter due notice of the hearing was given by mailing and publication.

Robert C. Sechrest, representing the appellants, spoke in support of the appeal at the hearing.

Statement of Facts

The house lot involved is located within a Single-residence District requiring a minimum lot area of 30,000 square feet, and is made up of two lots, one containing 30,225 square feet which lies almost entirely within the Town of Wellesley and the other containing 25,412 square feet which lies entirely within the Town of Weston. The Town of Weston line bisects Lot 30, containing 30,225 square feet.

A plot plan was submitted, drawn by MacCarthy Engineering Service, Inc., Natick, Mass., which showed the proposed dwelling on the lots. Said plan showed the proposed dwelling to be 29' from the lot line on the southerly side and the dwelling extending across the Town of Weston line eighteen feet.

The lot within the Town of Wellesley is one contained in a subdivision which was approved by the Planning Board on January 23, 1964.

It was pointed out at the hearing that a hardship exists because of the Town line bisecting the lot in Wellesley and the proposed dwelling cannot be located aesthetically unless the requested exceptions are granted.

## Decision

The Board is unable to make the findings prescribed as conditions under which an exception may be granted under Section XIX of the Zoning By-law, but it has considered the request under the provisions of Chapter 40A, Section 15, of the General Laws, and unanimously finds 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 appellants.

The Board is of the further opinion that the construction of a dwelling on the lots involved as shown on the plan submitted will not change the character and appearance of the immediate neighborhood and that the requested exception 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. After viewing the locus, it is the opinion of this Board that due to the location of the Town of Weston line, a house comparable to the neighborhood could not be located on the lot within the Town of Wellesley and comply with the side yard requirement.

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, subject to the conditions, however, that (1) only one dwelling house shall hereafter be erected on the lots involved, namely, Lot 30 and Lot 30", (2) the lot in Weston shall remain under common ownership with the portion in Wellesley and (3) the proposed dwelling shall be located on said lots as shown on the plan submitted and on file.

Richard O. Aldrich

Dana T. Lowell

F. Lester Fraser

Filed with Town Clerk _____

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ELLESLEY BOARD
F APPEALS.

ELLESLEY BOARD OF APPEALS

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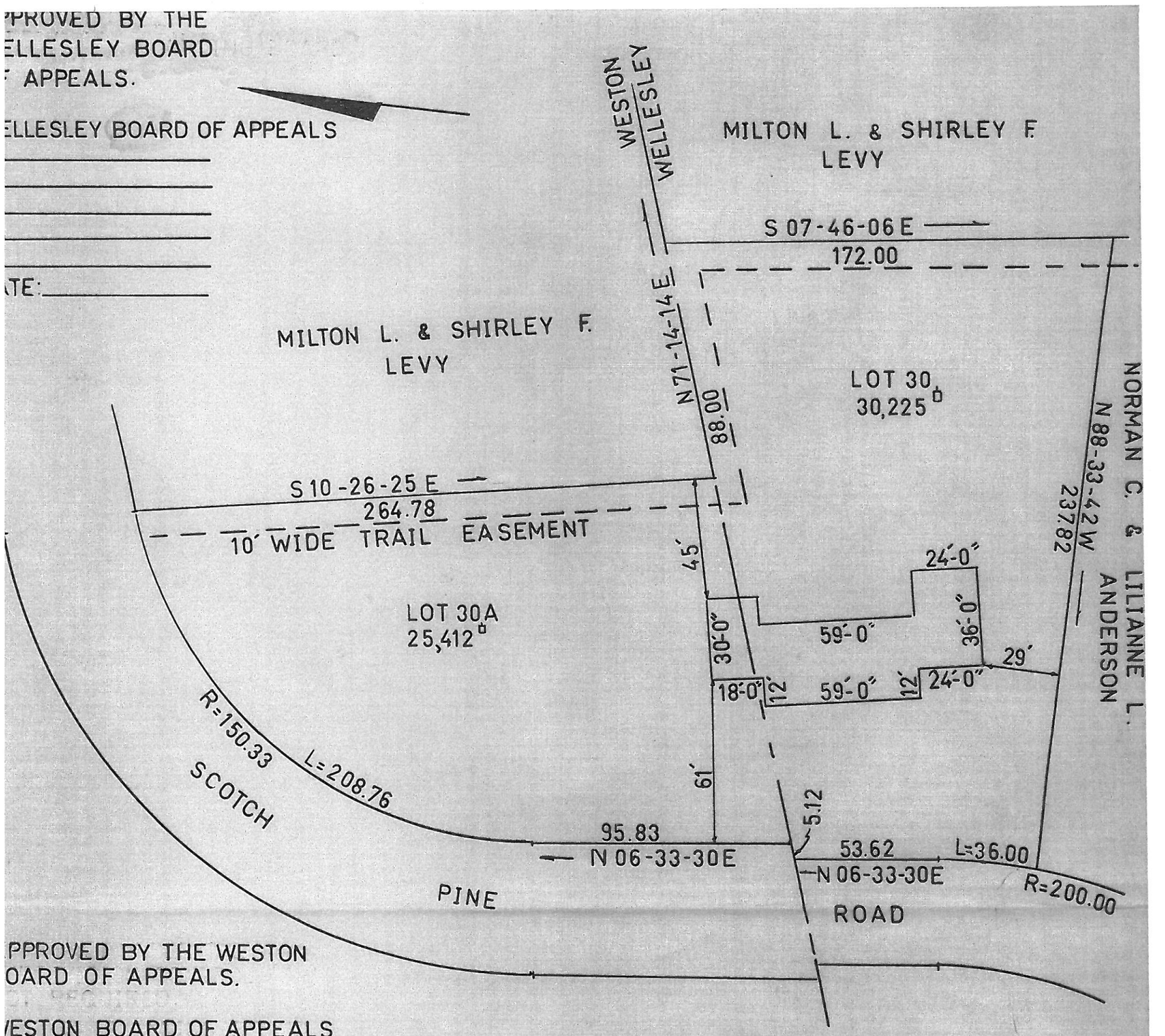


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VESTON BOARD OF APPEALS

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# PLAN OF LAND IN WELLESLEY & WESTON, MASS.

OWNED BY: LOUIS F. JR. & JUDITH K. PLZAK

PLAN BY: MacCARTHY ENGINEERING SERVICE INC.
NATICK, MASS.

SCALE: 1" = 40'

COMMONWEALTH OF MASSACHUSETTS
JOSEPH R. SULLIVAN
No. 18846
REGISTERED LAND SURVEYOR

JANUARY 4, 1969

DEED REF
MIDDLESEX REG BK 10620 PG 411 - NORFOLK REG BK [illegible] PG [illegible]