

75-11

TOWN OF WELLESLEY



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MASSACHUSETTS

BOARD OF APPEALS

THEODORE C. MERLO  
F. LESTER FRASER  
WILLIAM O. HEWETT

KATHARINE E. TOY  
Administrative Secretary  
Telephone  
235-1664

Petition of Gino and Ines Perdoni

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 8:15 p.m. on May 15, 1975, on the petition of Gino and Ines Perdoni, requesting an exception from the terms of Section XIX of the Zoning By-law which will permit the construction of a chimney on the rear of their dwelling at No. 1 Hill Top Road with a side yard less than the required twenty feet.

On April 14, 1975, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Gino Perdoni spoke in support of the request at the hearing.

Francis J. Kane, 9 Hill Top Road, spoke in favor of the request.

Statement of Facts

The dwelling involved which was built in 1925, prior to the enactment of the Zoning By-law requiring a twenty-foot side yard, is located in a Single-residence District requiring a minimum lot area of 10,000 square feet.

Permission is sought to construct an outside on the rear of the dwelling involved to provide a fireplace in the house. The chimney, if built, will be 5' wide and 2' deep, and will be 14.2' from the lot line on the northerly side. It was pointed out that the existing house stands 11.6' from the lot line so that the proposed chimney will not encroach any closer to the side line than the existing house. It was further pointed out that the proposed location of the chimney is the only place it can be built and provide a fireplace within the room it is desired.

A plot plan was submitted, drawn by Alexander Grucioli, Land Surveyor, dated March 3, 1975, which showed the existing dwelling and the proposed chimney.

Decision

The facts in this case satisfy the conditions set forth in Section XIX of the Zoning By-law on which the Board's authority depends to grant a special exception from the application of the side yard restrictions of that section. The lot is narrow which makes compliance with the by-law impracticable if a chimney is to be added to the house in a suitable location. The lot was held under separate and distinct ownership from adjacent lots on April 1, 1940.

It is the unanimous opinion of this Board that the requested exception to construct the proposed chimney will not injure the neighborhood as it will not encroach any closer to the side line than the existing dwelling which was built prior to the enactment of the by-law requiring a twenty-foot side yard.

It is the further opinion of this Board that a literal enforcement of the provisions of Section XIX of the Zoning By-law would involve substantial hardship, and permission can be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the by-law.

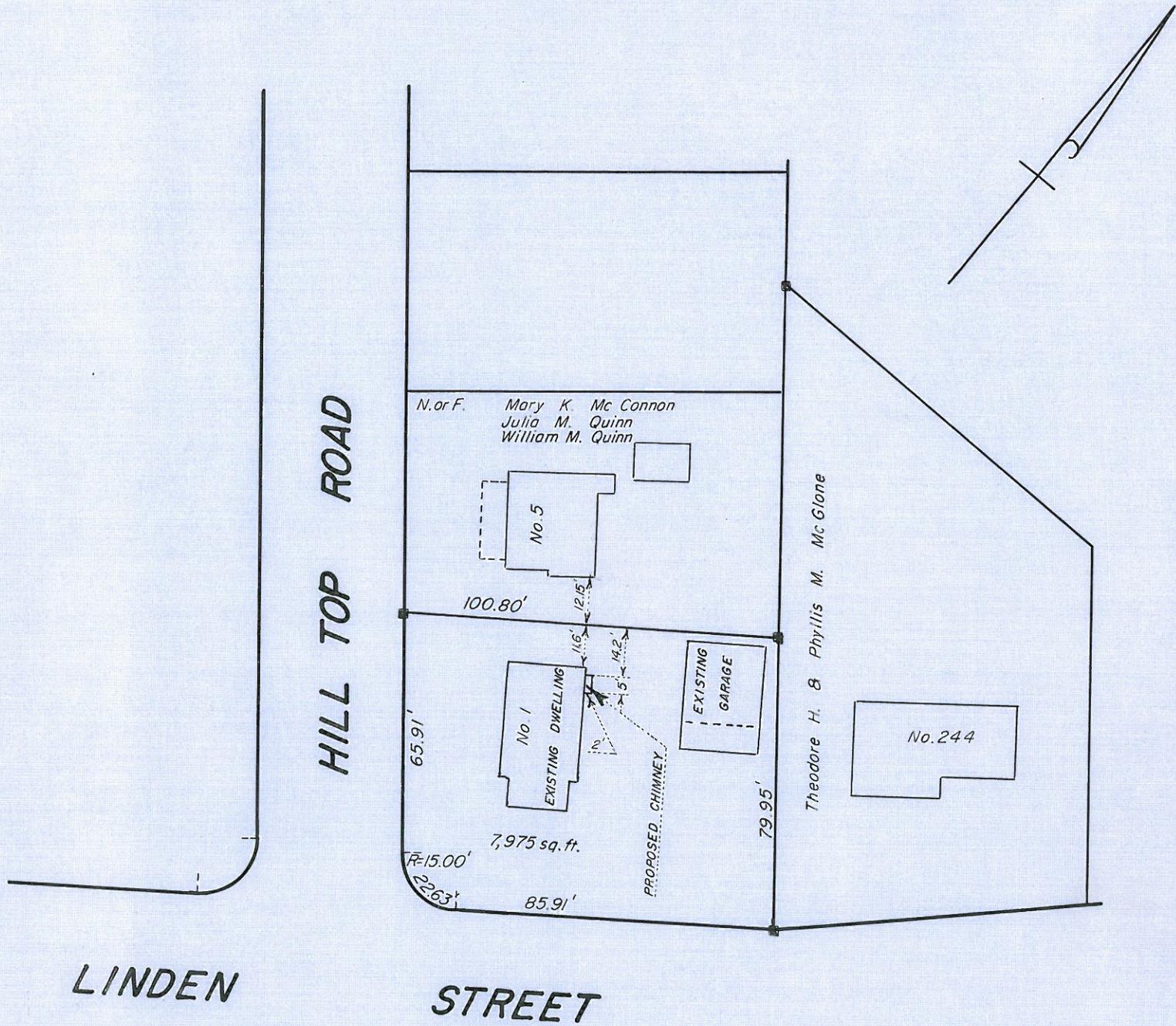
Accordingly, the requested exception is granted and the issuance of a permit for the proposed addition is hereby authorized in accordance with the plans submitted and on file with this Board.

  
Francis L. Swift

  
Stanley J. Glod

  
Franklin P. Parker

Filed with Town Clerk \_\_\_\_\_



LINDEN STREET



PLAN OF LAND  
IN

WELLESLEY, MASS.

OWNED BY

GINO & INES PERDONI

Scale 40 feet to an inch

March 3, 1975

Alexander Crucioni

Surveyor