

TOWN OF WELLESLEY



MASSACHUSETTS

Francis L. Swift
THEODORE C. MERLO
F. LESTER FRASER
WILLIAM O. HEWETT

BOARD OF APPEAL

KATHARINE E. TOY
Administrative Secretary
Telephone
235-1664

Petition of William J. Fitzpatrick

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 8:35 p.m. on July 24, 1975, on the petition of William J. Fitzpatrick, requesting an extension of a General Residence Use at 12 Hollis Street, to include Lot 5A and Lot 5B; said extension to run in a westerly direction across the present established boundary line of the General Residence District into a more restricted district, a distance of 21.64' along land owned by Dorothy M. Dischino, thence running in a northerly direction a distance of 128.55' along lands owned by Frederic B. Dailey and Doris Volland and thence running in a northeasterly direction a distance of 25.50' along land owned by Doris Volland. Said request was made for the purpose of converting the dwelling located on Lot 5B, from a one-family dwelling into a two-family dwelling, and for permission to construct a two-family dwelling on Lot 5A. Said request was made under the provisions of Section XXIV-B. 2. of the Zoning By-law.

On June 19, 1975, the petitioner filed a request with this Board for a hearing and thereafter due notice of the hearing was given by mailing and publication.

The petitioner spoke in support of the request at the hearing.

Silvio Epifano, 99 Albion Road, questioned the Board relative to the proposed building and stated that he had no objections.

Statement of Facts

The property involved contains a total area of 20,000 square feet, with Lot 5A containing 8,853 square feet within the General-Residence District and 1,147 square feet within the Single-residence District, and Lot 5B containing 8,227 square feet within the General-Residence District and 1,779 square feet within the Single-Residence District. There is a single-family dwelling now located on Lot 5B. The district line now bisects the two lots involved with approximately 85% of the property within a General-Residence District and the remaining portion within a Single-Residence District.

The petitioner seeks an extension of a General-Residence Use a distance of approximately 21.64' in a westerly direction to the property line. The petitioner stated that he recently purchased the property and during the process of purchase he became aware that it was not entirely within a General-Residence District. He explained that if permission is granted, he proposes to construct a two-family dwelling on the vacant lot and convert the existing house into a two-family dwelling. He submitted an architectural plan of the proposed house which showed a two-story building with one center entrance, and stated that, in his opinion, the proposed dwelling will be an attractive addition to the neighborhood and will not reduce the value of any property within the district or injure the neighborhood.

A plot plan was submitted, drawn by MacCarthy & Sullivan Engineering

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Inc., Natick, Mass., dated June 13, 1975, which showed the location of the dwelling on Lot 5B and the zone line bisecting the two lots. Said plan showed the property to be a depth of 100' within a General-Residence District and 21.64' within a Single-Residence District.

Decision

This is a petition requesting an extension of a General-Residence Use a distance of approximately 21.64' into a Single-Residence District. While the Board is reluctant to authorize the extension of a less restricted district into a more restricted district, in its opinion, the requested extension in this case, is reasonably necessary and will not substantially reduce the value of any property within the district or otherwise injure the neighborhood. With the exception of the property at the rear, the property involved is surrounded by properties zoned for two-family dwellings and other uses allowed within a General-Residence District. Adjacent to the property on the southerly side is a two-family dwelling and adjacent on the northeasterly side is a complex of seventeen town houses; within approximately three hundred feet there is a municipal parking lot as well as business and industrial zoned properties. The Board, therefore, feels that the extension of the use requested will not prove detrimental to the surrounding neighborhood or annoying to the occupants of the single-family dwellings in the rear of the property, and to deny the request would be contrary to the intent and purpose of the Zoning By-law. When the Town was zoned originally, the lines were drawn arbitrarily and did not follow the lot lines as indicated in the subject case. It is the opinion of this Board, therefore, that the By-law intended that relief could be granted by the Board provided the criteria necessary was found.

Accordingly, the requested extension is granted under the provisions of Section XXIV-E 2 of the Zoning By-law and a General Residence Use is extended a distance of approximately 21.64' to the westerly boundary line of the property involved as shown on the plan submitted and on file with this Board, subject to the following condition:

1. That not more than two families shall occupy the existing dwelling on Lot 5B or the proposed dwelling to be erected on Lot 5A at any one time.

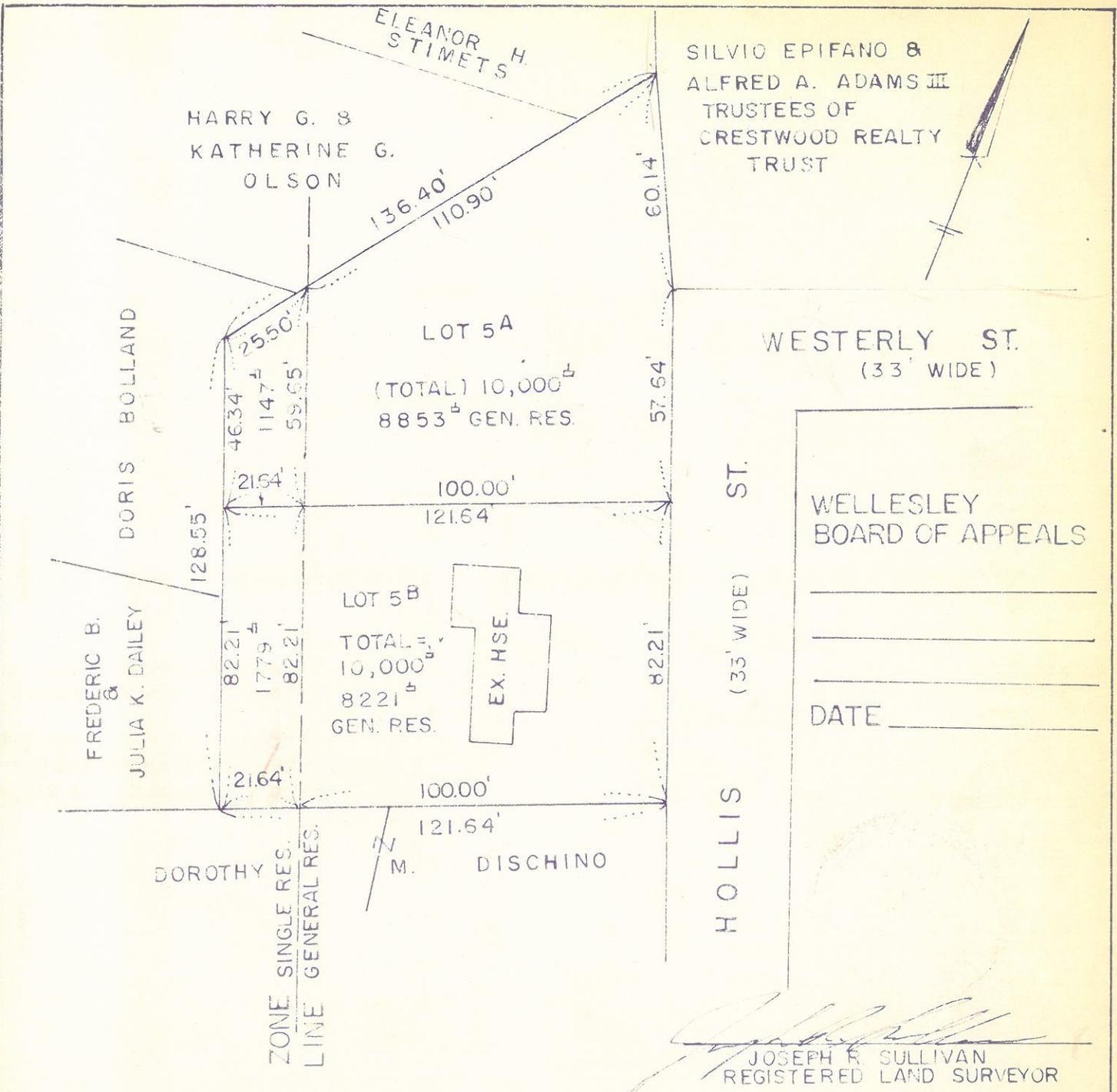
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Francis L. Swift
Francis L. Swift

F. Lester Fraser
F. Lester Fraser

William O. Hewett
William O. Hewett

Filed with Town Clerk _____



WELLESLEY
 BOARD OF APPEALS

DATE _____

PLAN OF LAND IN WELLESLEY, MASS.
 OWNED BY : LOUIS CASAGRANI
 SCALE: 1" = 40' JUNE 13, 1975
 PLAN BY: MACCARTHY & SULLIVAN ENGINEERING INC.
 81 SPEEN ST., NATICK, MASS.

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