

75-42

TOWN OF WELLESLEY



MASSACHUSETTS

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DEC 1 1 46 PM '75

BOARD OF APPEAL

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WILLIAM O. HEWETT
FRANKLIN P. PARKER
FRANCIS L. SWIFT
HENRY H. THAYER

KATHARINE E. TOY
Administrative Secretary
Telephone
235-1664

Petition of Jerome Kanter

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 8:20 p.m. on October 9, 1975, on the petition of Jerome Kanter, requesting a special exception from the terms of Section XIX of the Zoning By-law which will permit the construction of an addition on the side of the dwelling at 84 Chesterton Road, with a side yard less than the required twenty feet. Said petition was made under the provisions of Chapter 40A, Section 15, of the General Laws.

Jerome Kanter spoke in support of the request at the hearing.

On September 20, 1975, the petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The house involved, which was built in 1951, and adjoined other land of the same owner on April 1, 1940, is located within a single-residence district requiring a minimum lot area of 10,000 square feet. The lot contains 14,415 square feet.

The petitioner seeks permission to construct an addition 10' x 15' on the easterly side of his dwelling in order to enlarge a bedroom and provide a small sun deck. It was stated, that the bedroom is very small and the proposed enlargement will not only provide a study area for the petitioner but more important it will provide an easy access to the sun deck off the bedroom for the petitioner's wife who is a semi-invalid and cannot leave the house by herself. It is requested to place the sun deck on the easterly side because of its exposure to the sun. It was further stated that although the proposed addition will lie only 14' from the lot line on the easterly side, if built, it should not prove detrimental to the abutting property because of the angle of the house on the lot.

A plot plan was submitted, drawn by Alexander Crucioli, dated September 6, 1975, which showed the existing house on the lot as well as the proposed addition.

Decision

The Board has made a careful study of the facts in this case and has taken a view of the locus. It is the opinion of this Board that a real need exists for the proposed addition which will provide a sun deck as well as an enlargement of a small bedroom and that the proposed construction will not reduce the value of property within the district or otherwise injure the neighborhood.

The House was built in 1951, on a lot which adjoined other land of the same owner on April 1, 1940. The Board, therefore, is not authorized to make a special exception under Section XIX of the Zoning By-law as said section authorizes the Board to grant such exceptions only if on April 1, 1940, the lot was owned of record under a separate and distinct ownership from adjacent lots. The Board, however, considered the petition under the provisions of General Laws, Chapter 40A, Section 15. Chesterton Road was developed after the by-law requiring a 20-foot side yard became effective, and while it appears to the Board that most of the dwellings in the area have side yards at least the minimum width of twenty feet, it does feel that in this instance due to the location of the house on the lot and the fact that the lot abuts two streets, the proposed addition will not prove detrimental to the neighborhood.

It is the further opinion of this Board that a literal enforcement of Section XIX of the Zoning By-law would cause a substantial hardship to the petitioner which can be avoided without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of said section. While the rear corner of the proposed addition will lie only 14' from the side lot line, the front corner, will be approximately 22' from the same lot line due to the angle of the house on the lot.

In view of the evidence presented, it is the opinion of this Board, therefore, that a variance can be granted from the terms of Section XIX of the Zoning By-law under the provisions of Chapter 40A, Section 15, of the General Laws.

Accordingly, the request is granted and the issuance of a permit for the proposed addition as shown on the plan submitted and on file with this Board is hereby directed.

Francis L. Swift

 Francis L. Swift

F. Lester Fraser

 F. Lester Fraser

William O. Hewett

 William O. Hewett

Filed with Town Clerk _____

DEC 1 1 14 PM '52
 TOWN CLERK'S OFFICE

PLAN OF LAND
IN

WELLESLEY — MASS

Scale: 1" = 40' September 6, 1975.

SURVEYOR

Alexander Cruciole

ACRES — ENGINEERS, SURVEYORS, INC.

6 Abbott Road

Wellesley Hills, Mass.



Alexander Cruciole

WINGATE (40') RD

14,415 s.f.

84

New Addition

8' Sewer Easement

CHESTERTON

(40') RD

56.10

141.06

26.0

111.29

34.68

89.60
R=69.91

89.76

30.5

35.0

14.0

30.2

