

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY
 Administrative Secretary
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 235-1664

Francis L. Swift

Petition of Bruno L. Jr. and Carol J. Mortarelli

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 8:25 p.m. on October 9, 1975, on the petition of Bruno L. Jr. and Carol J. Mortarelli, requesting a special exception from the terms of Section XIX of the Zoning By-law or a variance which will permit the construction of an addition on the side of their dwelling at 77 Oak Street, with a side yard less than the required twenty feet. Said request was made under the provisions of Section XIX of the Zoning By-law and Chapter 40A, Section 15 of the General Laws.

On September 19, 1975, the petitioners filed a petition with this Board requesting a hearing and thereafter due notice of the hearing was given by mailing and publication.

Bruno L. Mortarelli, Jr. spoke in support of the request at the hearing.

Statement of Facts

The house involved was built in 1962, on a lot containing 12,926 square feet, and is located in a Single Residence District requiring 10,000 square feet for a minimum lot area.

The appellants seek permission to construct a one-car garage and breezeway on the northwesterly side of their dwelling. The addition, if built, will lie 14.68' from the side lot line at the nearest point and approximately 45' back from Oak Street. The proposed garage is to be 14' x 24' with an 11' breezeway attaching it to the house. It was explained at the hearing that the reason for requesting the encroachment into the side yard is because of a culvert on Oak Street which would have to be moved if the petitioners' driveway were to be built any closer to the house. It was also pointed out that there is a uniqueness which affects the lot involved but not the neighborhood generally as it abuts the Town of Wellesley School Department property on the side involved. The closest building is the school building which is approximately 140' from the proposed addition. The petitioners feel that the proposed location appears to be the most practical place for the garage to be located, with the least encroachment possible.

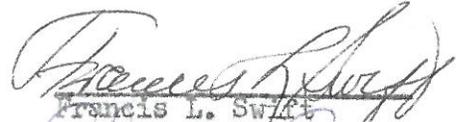
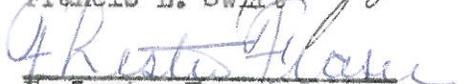
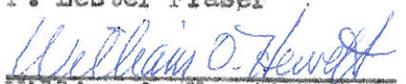
A plot plan was submitted, drawn by Alfred Gargaro, Land Surveyor, dated August 26, 1975, which showed the existing dwelling on the lot as well as the proposed addition. Elevations plans were also submitted which were drawn by Wellesley Design, Inc., dated September 4, 1975.

Decision

The Board is unable to find the requirements of Section XIX of the Zoning By-law are met in the instant situation, 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 petitioner.

It is, therefore, the opinion of this Board, that because of the location of the culvert on Oak Street which would have to be moved if the garage were any closer to the house as well as the fact that the school department land adjoins the lot involved, conditions affect this parcel which do not affect the neighborhood generally. It is the further opinion of this Board that the construction of the proposed garage and breezeway will not change the character and appearance of the immediate neighborhood and that the variance requested may be granted without substantially derogating from the intent or purpose of the Zoning By-law.

Accordingly, the requested variance 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 authorized.

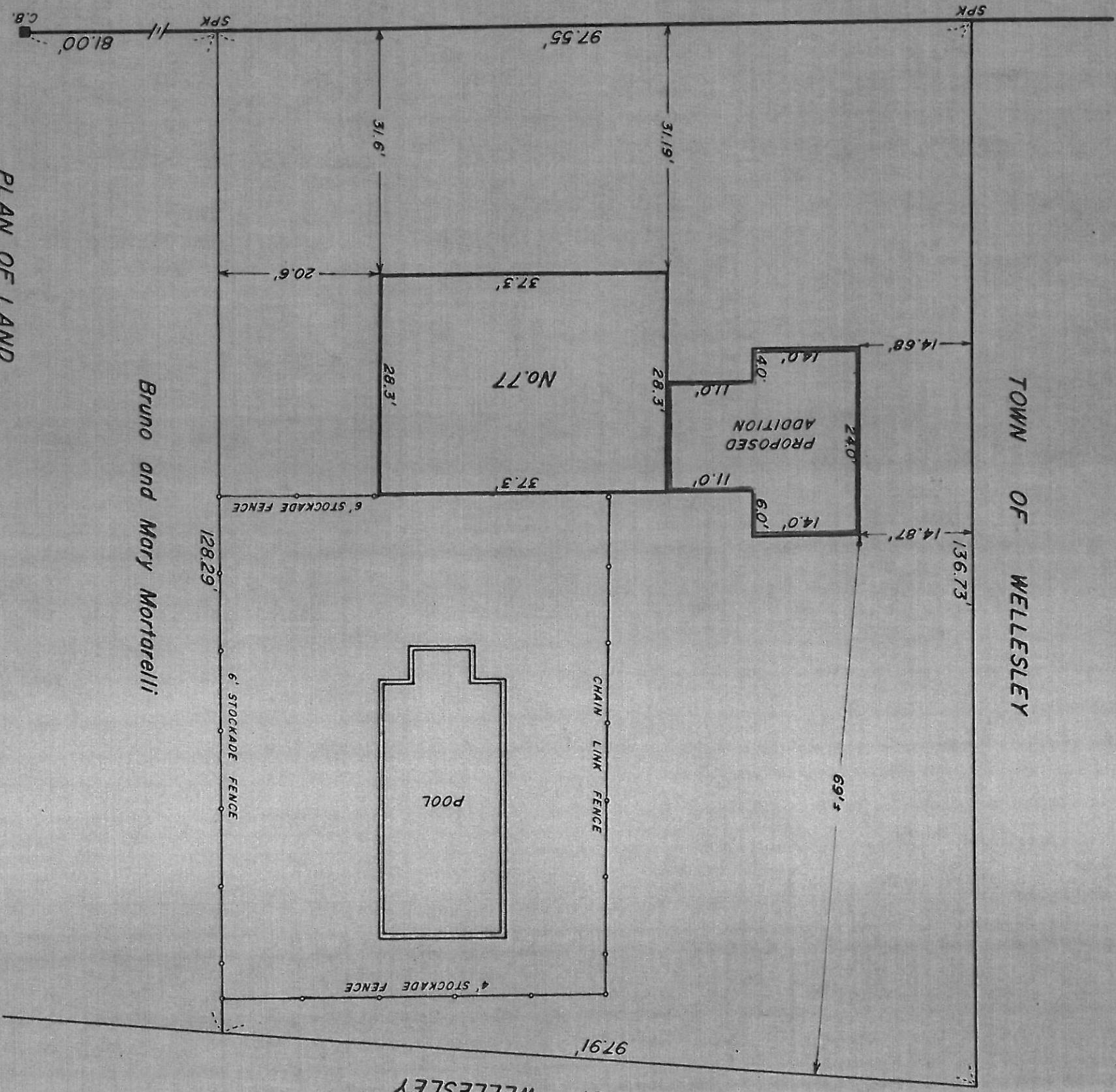

Francis L. Swift

F. Lester Fraser

William O. Hewett

Filed with Town Clerk _____

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TOWN CLERK'S OFFICE
RECEIVED

OAK STREET

TOWN OF WELLESLEY



PLAN OF LAND
IN
WELLESLEY, MASSACHUSETTS

AT
No. 77 OAK STREET
OWNED BY
Bruno L. Jr. and Carol J. Mortarelli
PROPOSED HOUSE ADDITION

Bruno and Mary Mortarelli

August 26, 1975

Alfred Gargaro



Scale: 1" = 20'

Land Surveyor

