



STANLEY W. LEIGHTON, CHAIRMAN
 BURTIS S. BROWN
 THOMAS M. REYNOLDS

BOARD OF APPEAL

KATHARINE E. TOY, CLERK
 TELEPHONE
 WE. 5-1664

Petition of Priscilla Sanborn Simon

Pursuant to due notice the Board of Appeal held a public hearing in the Upper Town Hall at 8:00 p.m. on February 28, 1952 on the petition of Priscilla Sanborn Simon for an exception from the terms of Section 9-A, Area Regulations, of the Zoning By-law, which would permit the erection of a dwelling on Lot 31 D, Audubon Road which contains less than the required 20,000 square feet.

Statement of Facts

Said Section 9-A requires a lot area of at least 20,000 square feet for residences in the district here involved. The lot in question contains 16,000 square feet.

On February 5, 1952 the petitioner filed with this Board her written request for a special exception to said Section, and thereafter due notice of the hearing was given by mailing and publication.

At the hearing the petitioner stated that she purchased the lot in July, 1940 expecting to build a dwelling on it, but later moved to New York making it impossible for her to use the lot. She explained that she had a party interested in purchasing this lot and that she would like to be able to sell it as a house lot.

There were present at the hearing in opposition to the granting of an exception the following:

| | |
|---|---------------------------------------|
| H. R. Chapman 36 Audubon Road | Ruth C. Keniston 7 Audubon Rd. |
| Richard C. Litchfield 15 Audubon Rd. | Laurence B. Russell 97 Audubon Rd. |
| George E. Pomeroy 24 Audubon Rd. | |

Letters in opposition to the granting of the exception were received from: Robert T. Colburn, 57 Audubon Road, Phoebe Atwood Taylor, 53 Audubon Road.

The parcels in the immediate vicinity of the lot in question are all developed, with many containing less than the required area. There are parcels with substantial areas and there are parcels with areas as small as 14,000 square feet.

The character of the neighborhood is developed and it appears that the average area of neighboring lots is less than 20,000 square feet.

The question was raised as to whether the lot in question was established under separate ownership prior to the effective date of said Section 9-A, and there appears to be a legal point involved regarding this question.

The Board of Appeal, however, feels there is reasonable doubt and there is no necessity for going into the question of the legality of the lot. Without passing on the legal question, the Board is of the unanimous opinion that a variance should be granted. The Board feels that as the petitioner purchased this lot in good faith approximately twelve years ago and has paid taxes on it since that time, that a literal enforcement of Section 9-A of the Zoning By-law would involve substantial hardship to the petitioner. It appears from the shape of the lot, which has a frontage of 202.53 feet that an attractive house can be built on it which will enhance rather than detract from the general appearance of the neighborhood.

It is the further opinion of the Board that the desired relief may be granted in this case through an exception without any substantial detriment to the public good.

It is also the unanimous opinion of the Board that the granting of an exception will not substantially derogate from the intent or purpose of Section 9-A.

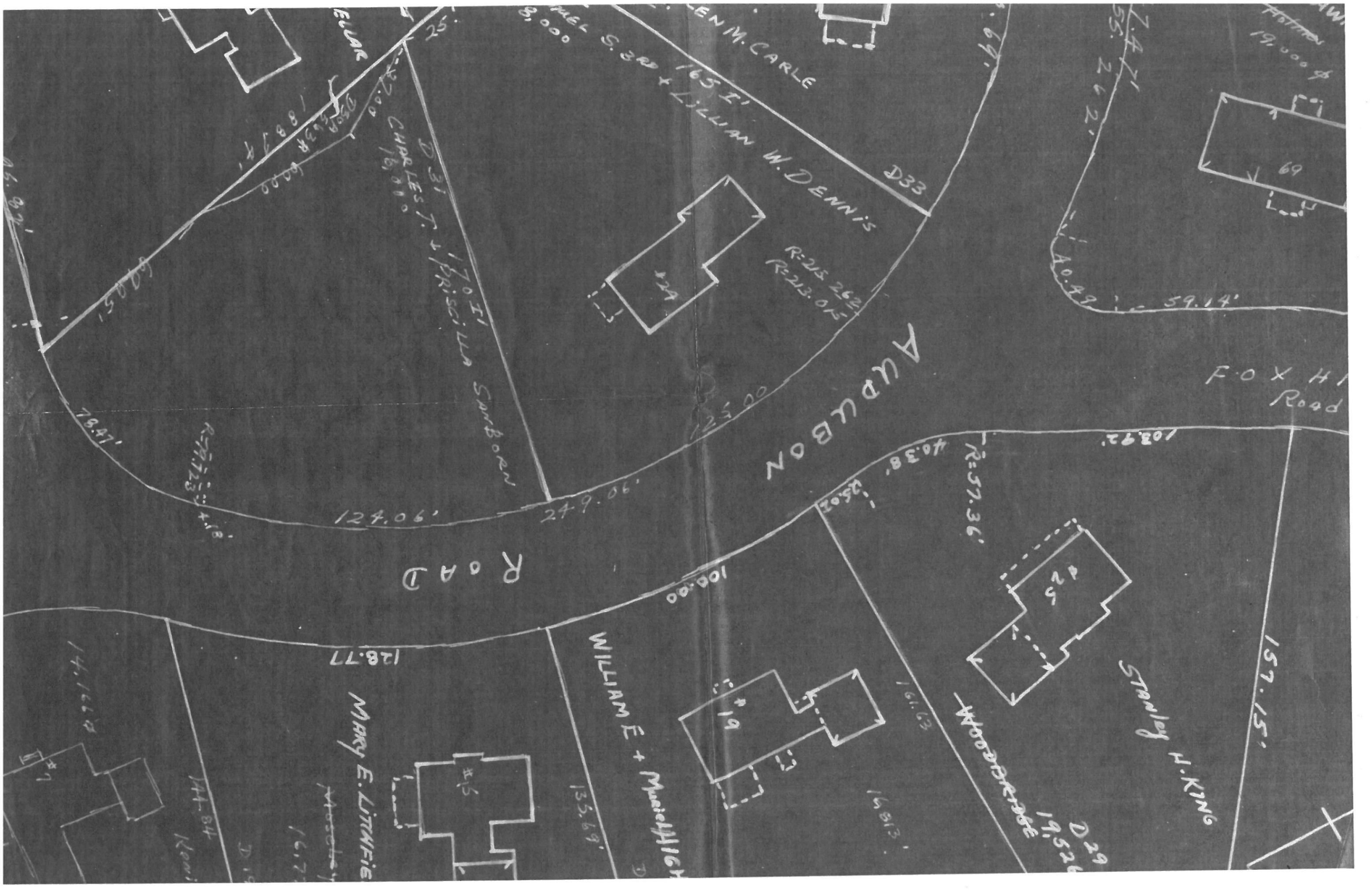
Accordingly, the requested exception is authorized and granted, without, however, taking any stand as to the legal rights of the petitioner, and the Inspector of Buildings is authorized to issue a permit for the construction of a dwelling on the lot in question.


S. W. Leighton

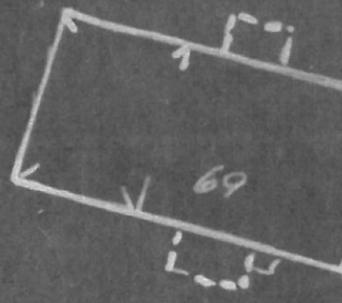

Richard Bancroft


Halsey B. Horner

April 28, 1952.



19,000 sq ft



59.14'

FOX HILL Road

7.471

55: 262.2'

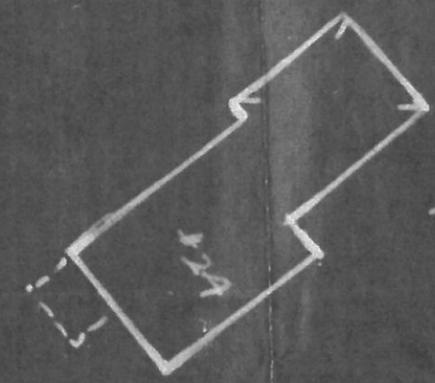
A.0.49

LEN M. CARLE

MEL S. 3RD + LILLIAN W. DENNIS

D33

R-215 262
R-213 015



23.00

AUGBON

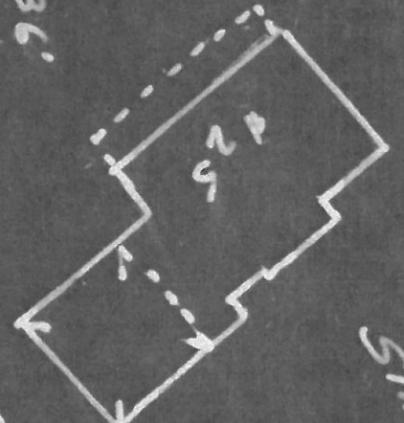
108.92'

R=57.36'

40.38'

25.02'

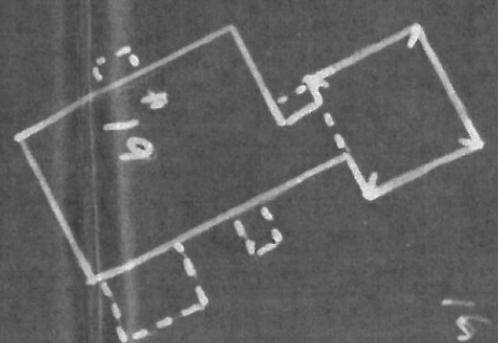
100.00



Stanley H. King

157.15'

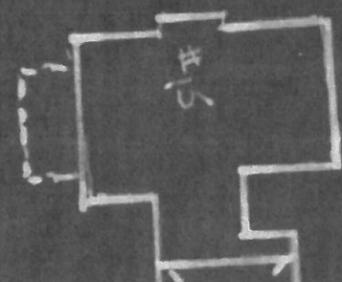
D 29
19,526



WILLIAM E + Muriel HICK

135.69'

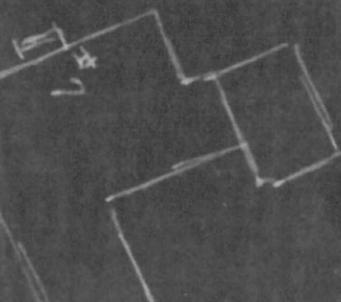
Mary E. Linneis



128.77

144-84
Koni

14,166 sq ft



1617

D 19

78.47'

R-79.723

124.06'

249.06'

ROAD

D 31
Priscilla Sarboen
CARLES T.
16,800

1887 sq ft

670.51'

ELLAR



