

TOWN OF WELLESLEY



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BOARD OF APPEAL

1968 MAR 19 AM 11:33

RICHARD O. ALDRICH
DANA T. LOWELL
F. LESTER FRASER

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Appeal of Antonio A. DeFilippo
(Catherine M. Morse)

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 February 15, 1968, on the appeal of Antonio A. DeFilippo, from the refusal of the Inspector of Buildings to issue a permit for the construction of a dwelling at 2 Brookdale Avenue, on land owned by Catherine M. Morse. The reason for such refusal was that said dwelling would violate Section XIX of the Zoning By-law which requires that all such dwellings shall provide side yards not less than twenty feet in width within the Town of Wellesley. Said appeal was taken under the provisions of Chapter 40A, Section 15, of the General Laws.

Antonio A. DeFilippo, spoke in support of the appeal at the hearing.

The Planning Board in its report offered no objection to allowing the house to be constructed with the desired side yard.

On January 9, 1968, the Inspector of Buildings notified the appellant in writing that a permit could not be issued for the construction of a dwelling on the lot involved for the above-mentioned reason. On the same date the appellant took an appeal therefrom. Thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

Section XIX of the Zoning By-law requires that all dwellings shall provide side yards not less than twenty feet in width within the Town. A plot plan was submitted, drawn by Gleason Engineering Company, dated December 14, 1967, which showed the proposed location of the dwelling on the lot. Although the plan showed the dwelling to be located twenty feet from the lot lines on both sides, the Town of Weston boundary line bisects the lot on the northerly side and the house would be only fifteen feet from the Town boundary.

It was pointed out that it would not be possible to construct a dwelling on the lot involved comparable to others in the neighborhood, and comply with the side yard requirement of the Zoning By-law. It could only be done if the house were turned around with the end facing the street. The proposed dwelling including a two-car garage is to be 47.4' x 27', with a porch on the rear. The lot contains 15,080 square feet and that portion of the lot within the Town of Weston will be maintained as part of the lot involved.

Decision

The Board is unable to make the findings prescribed as conditions under which an exception may be granted under Section XIX of the Zoning

By-law, but it has considered the request under the provisions of Section 15, Chapter 40A, 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 appellant.

The Board is further of the opinion that the construction of a dwelling on the lot involved as shown on the plan submitted will not change the character and appearance of the immediate neighborhood and that the requested exception may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning By-law and without substantial detriment to the public good.

Accordingly, the requested exception is granted and the issuance of a permit for the proposed dwelling as shown on the plan submitted and on file with this Board is hereby directed, subject to the conditions, however, that (I) only one dwelling house shall hereafter be erected on the lot involved which contains 15,080 square feet, (II) the portion of the lot in Weston shall remain under common ownership with the portion in Wellesley and (III) the proposed dwelling shall be located on said lot substantially as shown on said plan.


Richard O. Aldrich


Dana T. Lowell


F. Lester Fraser

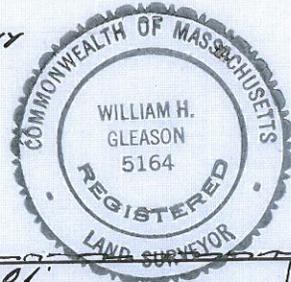
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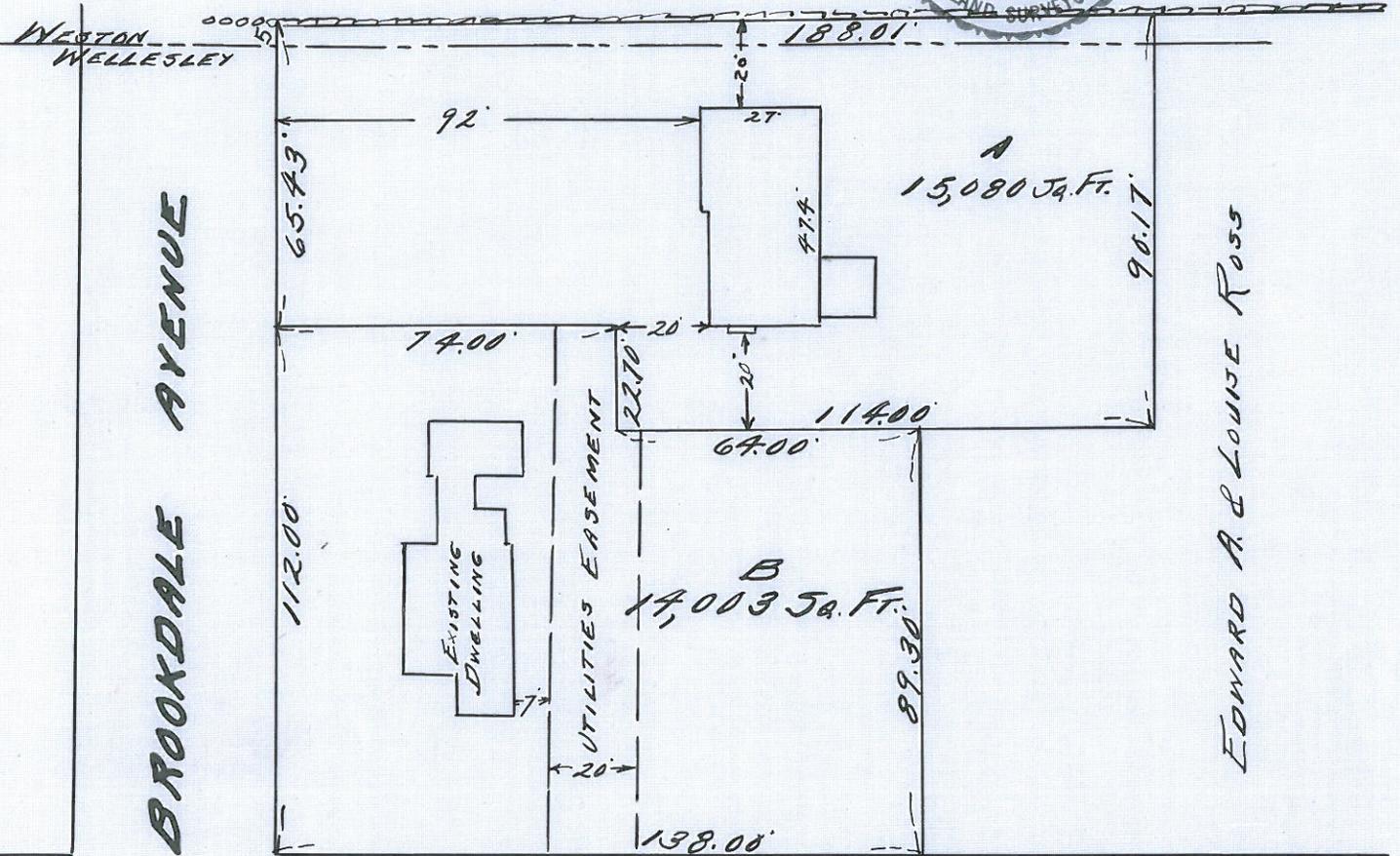
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PLAN OF LAND
IN
WELLESLEY-WESTON, MASS.

SCALE 40 FEET TO AN INCH
DECEMBER 19, 1967
GLEASON ENGINEERING COMPANY



PEASE



BROOKDALE AVENUE

EDWARD A. & LOUISE ROSS

MANOR AVENUE

WELLESLEY BOARD OF APPEAL

DATE _____