

68-60



TOWN OF WELLESLEY

MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Robert M. and Barbara E. Ronci

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 December 12, 1968, on the petition of Robert M. and Barbara E. Ronci, requesting a special exception or variance from the terms of Section XIX of the Zoning By-law which would permit the construction of a dwelling on Lot C, #30 Abbott Road, with a side yard less than the required twenty feet. Said request was made under the provisions of Chapter 40A, Section 15, of the General Laws.

On November 25, 1968, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Robert M. Ronci and Barbara E. Ronci spoke in favor of the request at the hearing.

Joseph Grignaffini, designer of the proposed dwelling also spoke in favor of the request.

Edmund S. Shaw, 26 Abbott Road and Dr. Stephen D. Peabody, 31 Abbott Road, both expressed their concern that the character of the neighborhood be maintained and that no variance be allowed which would in any way prove detrimental to surrounding properties.

Statement of Facts

The lot involved which contains 10,400 square feet is located within a Single-residence District requiring a minimum lot area of 10,000 square feet. The lot, however, was created recently and was not held of record under a separate and distinct ownership from adjacent lots on April 1, 1940, the effective date for an exception within the Zoning By-law, allowing the construction of such buildings with side yards less than the required twenty feet.

The petitioners seek permission to construct a dwelling 25' x 45', thirty-five feet back from Abbott Road, with a side yard ten feet from the southerly boundary line at the rear corner and nineteen feet from the same boundary line at the front corner. It is proposed to construct a two-story dwelling, with three bedrooms and at least a one-car garage. The lot is triangular in shape with a frontage of 100', tapering down to a point at the rear. In order to comply with the Zoning By-law, the house must be set back at least thirty-five feet and for this reason it is not possible to locate a dwelling on the lot of a size comparable to the neighborhood and provide the required twenty-foot side yards. The petitioners felt that the proposed dwelling would be in keeping with the neighborhood and would enhance the area.

A plot plan was submitted, drawn by Gleason Engineering Company, dated November 26, 1968, which showed the proposed location of the dwelling on the lot.

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Decision

The Board has studied all the facts in this case and has taken a view of the locus. In its opinion, the construction of a dwelling on the lot involved, as shown on the plan submitted and subject to the condition hereafter invoked, would not prove detrimental to the appearance or character of the neighborhood and that no increased fire hazard would result therefrom. It is the further opinion of the Board that the proposed location of the dwelling is the best available because of the shape of the lot. While the proposed dwelling will lie only ten feet from the boundary line at the nearest point, it abuts a strip of land approximately eighty feet wide, owned by the Town of Wellesley and used for park purposes. It is most unlikely that this will ever be developed with house construction. The nearest house on the other side is approximately ninety feet.

For these reasons, the Board finds under the provisions of Chapter 40A, Section 15, of the General Laws, that a literal enforcement of Section XIX of the Zoning By-law would cause a substantial hardship to the petitioners and the requested relief can be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of said by-law.

Accordingly, the request 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 authorized subject to the following condition:

1. That prior to the issuance of a building permit for the proposed dwelling, a set of final house plans shall be submitted and approved by the Board of Appeal.

Richard C. Aldrich
Richard C. Aldrich

Edward T. Kilmain
Edward T. Kilmain

F. Lester Fraser
F. Lester Fraser

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