68-9

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 Louis and Ellen Curcio

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 8:00 p.m. on March 21, 1968, on the petition of Louis and Ellen Curcio requesting a special exception and variance from the terms of Section XIX of the Zoning By-law which will permit the construction of an addition on the side of their dwelling at 48 Chesterton Road 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.

Louis Curcio spoke in support of the request at the hearing.

On March 4, 1968, the petitioners requested a hearing before this Board, and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The dwelling involved is located within a Single-residence District requiring a minimum lot area of 10,000 square feet. It was built in 1950 on a lot of land which adjoined other land of the same owner on April 1, 1940.

The petitioners seek permission to extend their existing attached garage eight feet in a westerly direction in order to provide a two-car garage. It was stated that the interior of the existing garage is 13'4" wide and by adding six feet, it would allow space for two cars. However, there is a chimney approximately two feet in width within the garage which reduces the usable space. It is the feeling of the petitioners that the proposed addition will be an improvement to the neighborhood as the cars can be garaged and not prove annoying to the neighbors in the driveway and on the street. It is to be a one-story addition with no room above.

A plot plan was submitted, drawn by Gleason Engineering Company, dated March 7, 1968, which showed the existing dwelling and proposed addition. Said plan showed the proposed addition to be eighteen feet from the lot side line on the westerly side.

Decision

The Board has made a careful study of the facts submitted and have viewed the locus. The house was built in 1950 on a lot which adjoined other land of the same owner in 1940. This Board, therefore, cannot 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 Law Chapter 40A, Section 15, and in its opinion a literal enforcement of Section XIX of the Zoning By-law would cause a substantial hardship to the petitioners 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. The house is located on a street where the majority of houses have a two-car garage so it is unlikely that if the proposed addition is constructed, it will establish a precedent for other houses on the street. The Board further feels that the slight enfringement of two feet will not prove detrimental to the neighborhood.

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

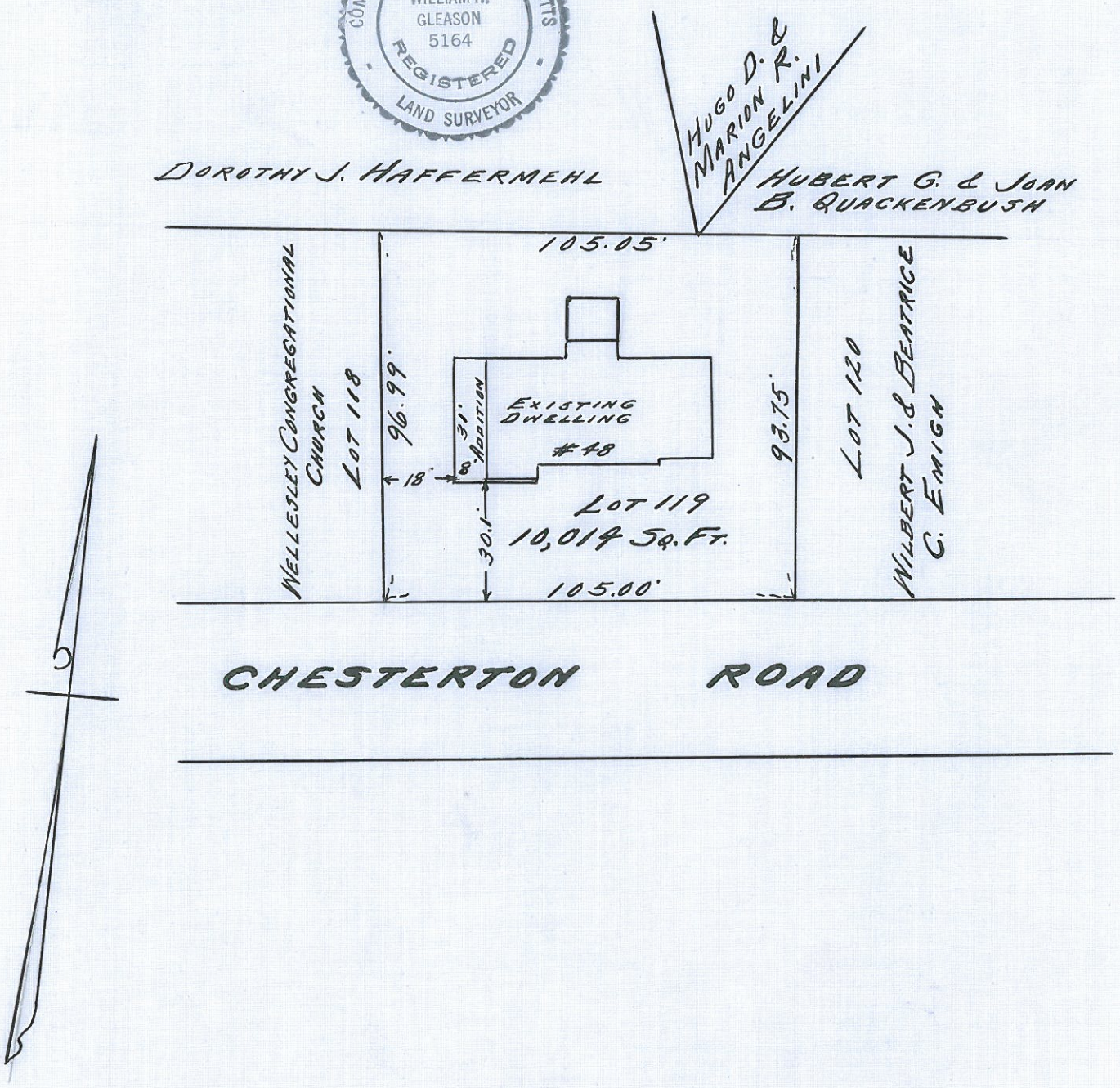
Accordingly, the request is granted and the issuance of a permit for the proposed addition as shown on the plan submitted and on file with this Board is hereby directed.

Richard O. Aldrich

Dana T. Lowell

F. Lester Fraser

Filed with Town Clerk _____

PLAN OF LAND
IN
WELLESLEY, MASS.
OWNED BY
LOUIS & ELLEN CURCIO
SCALE 40 FEET TO AN INCH
MARCH 7, 1968.
GLEASON ENGINEERING COMPANY

COMMONWEALTH OF MASSACHUSETTS
WILLIAM H. GLEASON
5164
REGISTERED
LAND SURVEYOR