



ZONING BOARD OF APPEALS

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KATHARINE E. TOY
 Administrative Secretary
 Telephone
 235-1664

Petition of Elisabeth M. Neelon

Pursuant to due notice the Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:10 p.m. on July 27, 1978, on the petition of Elisabeth M. Neelon, requesting a variance from the terms of Section XIX of the Zoning By-law, which will allow the construction of an addition on the rear of the dwelling at 24 Shadow Lane, with a side yard less than the required thirty feet. Said request was made under the provisions of Section XXIV-D of the Zoning By-law.

On July 11, 1978, the petitioner filed her request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

The petitioner spoke in support of the request at the hearing.

Statement of Facts

The property involved is located within a Single Residence District requiring a minimum lot area of 10,000 square feet. The house was built in 1941, on a lot containing 11,350 square feet.

The petitioner seeks permission to construct an addition on the southerly side of her house which will provide a bedroom 12.0' x 22.5' and an attached garage 22' x 24'. The proposed addition, if built, will be one-story in height, with the bedroom, including a bath, to be located between the house and the proposed garage.

It was stated at the hearing that the existing one-car garage is too small for a modern car and the petitioner has need for a two-car garage. It was further stated that the petitioner has back trouble and now needs a first-floor bedroom and bath. Due to the shape of the lot, and the fact that it is a corner lot, leaves little space for an addition of any size to be constructed which will comply with the setback restrictions of the Zoning By-law.

A plot plan was submitted, drawn by MacCarthy & Sullivan Engineering, Inc., Natick, dated May 26, 1978, which showed the existing house on the lot as well as the proposed addition. Said plan showed the proposed addition to be located 22.2' from Bay View Road, rather than the required thirty feet and 22.5' from the lot line on the easterly side.

Decision

The Authority has made a careful study of the evidence submitted and has taken a view of the locus.

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It is the opinion of the Authority that there is a real need for the bedroom and garage which the proposed addition will provide and that the proposed location appears to be the most practical and feasible place for it to be constructed. It is the further opinion of the Authority that, subject to the following conditions, it will not substantially reduce the value of any property within the district or otherwise injure the neighborhood.

While the lot contains 11,350 square feet, it is a pie-shaped corner lot which allows little space for an addition to be built of a size to provide the needed space. The setback restrictions imposed on a corner lot are also greater than those imposed on other lots.

Therefore, it is the unanimous opinion of this Authority that owing to circumstances relating to the shape of the lot, a literal enforcement of the provisions of Section XIX of the Zoning By-law would involve substantial hardship to the petitioner. It is the further opinion of the Authority that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law.

Accordingly, the requested variance is granted and the Building Inspector is authorized to issue a permit for the proposed addition as shown on the revised plan submitted and on file with this Board, in accordance with the following conditions:

1. That the proposed addition shall be located no closer to Bay View Road on the southerly side, than the existing garage.
2. That a revised set of plans shall be submitted to this Authority, in accordance with condition No. 1, prior to the issuance of a building permit by the Building Inspector.

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Francis L. Swift


William O. Hewett

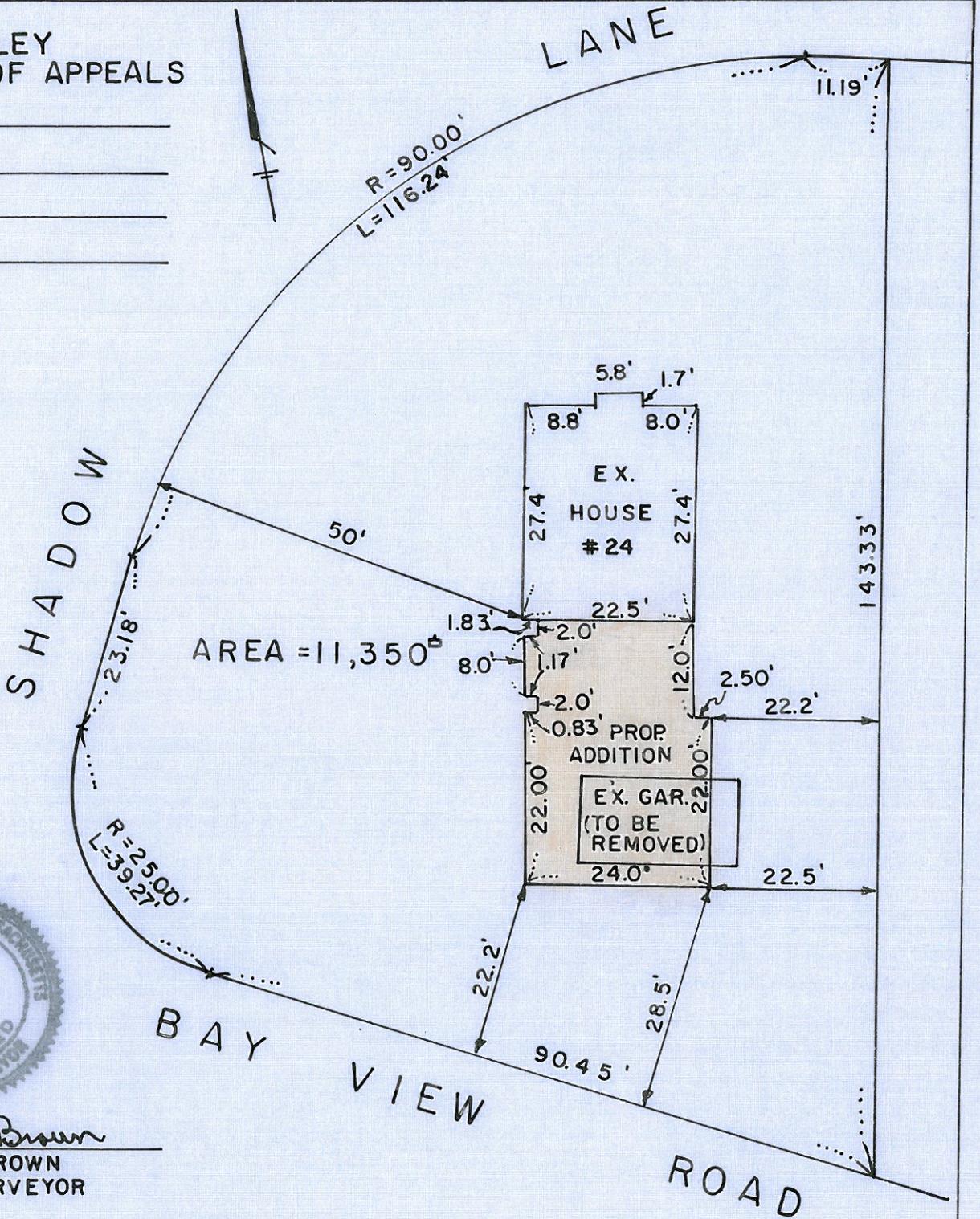

William F. Cullinane

Filed with Town Clerk _____

Copies of the decision and all plans referred to in the decision have been filed with the Planning Board and with the Town Clerk.

WELLESLEY
BOARD OF APPEALS

DATE: _____



Philip R. Brown
 PHILIP R. BROWN
 REG. LAND SURVEYOR

PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY:

E.M. NEELON

SCALE: 1" = 20'

MAY 26, 1978

PLAN BY: MAC CARTHY & SULLIVAN ENGINEERING INC.
 81 SPEEN ST., NATICK, MASS