TOWN OF WELLESLEY, MASSACHUSETTS

Board of Appeal

Stanley W. Leighton
Robert R. Thurber
Burtis S. Brown

3 April 1946

Appeal of Hilda A. Murata

Pursuant to due notice the Board of Appeal held a public hearing in the Upper Town Hall on March 6, 1946 at 8:00 o'clock P.M. to consider the appeal of Hilda A. Murata from the refusal of the Inspector of Buildings to issue, in pursuance of her application therefor dated February 5, 1946, a permit to build a dwelling on lots 811 and 812 on Pickerel Terrace.

Statement of Facts

The Inspector of Buildings under date of February 5, 1946 notified the appellant in writing that permit for the proposed dwelling could not be granted because it would violate Section 9-C of the Zoning By-Law which requires a twenty foot side yard and also requires a thirty foot front yard, and would violate Section 24(a) of the Building By-Laws which requires that frame dwellings shall be placed at least fifty feet from the center line of the street. At the same time the appellant took an appeal in writing from such refusal. Thereafter due notice of hearing was given by mail and publication.

At the hearing no objections were raised to the proposed construction, and one Mildred Brisson, owner of adjoining property, spoke in favor of granting of a variance. The plan presented at the meeting showed that the aggregate area of the two lots on which the proposed dwelling is to be constructed is 4342 square feet and that dwelling, if built, as proposed, will lie only nine and one-half feet from each side line and the front of the dwelling will be only twenty-three and thirty feet respectively at each corner from the street line.

It appeared that all of the lots in the vicinity were small parcels, some even smaller than the one here in question. It also appeared that the neighborhood was fairly well crystallized as to type and location of dwellings. It would be impossible to build any home on the appellant's lot without violating Section 9-C of the Zoning By-Law and Section 24 of the Building By-Laws.

Decision

It is believed that the granting of the requested variance in this case will not in any manner prove detrimental to the appearance and character of the community and that no increased fire hazard will result, and further that the construction will be consistent

with the character of that part of the community and with existing structures therein.

We unanimously find a literal enforcement of Section 9-C of the Zoning By-Law and Section 24 of the Building By-Laws would involve substantial hardship to the appellant in this case and that a variance can be granted without substantial detriment to the public good and without derogating from the intent and purpose of such sections. We also find there are reasons satisfactory to us for modifying the requirements of Section 24(a).

Accordingly, the requested variance is authorized and granted and the issuance of the permit for the proposed construction is hereby directed, subject, however, to the following conditions and requirements.

1. That the proposed dwelling be constructed no closer to Pickerel Terrace than shown in the plan submitted at the hearing.

2. That the side yards on each side of the proposed dwelling be at least ten feet in width.

3. That Section 9-B of the Zoning By-Law be complied with.

Stanley W. Leighton

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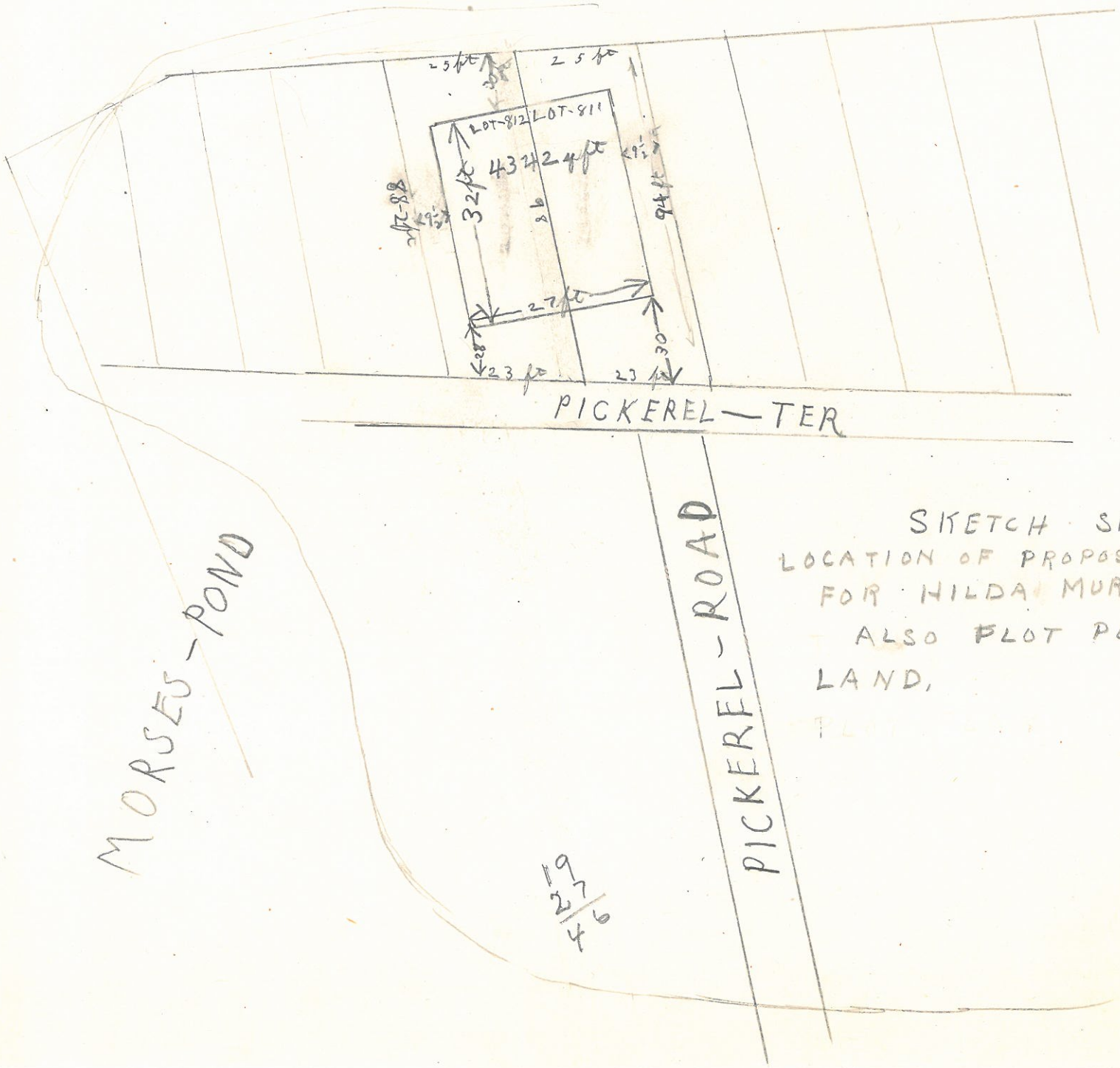
MORSES - POND



SKETCH SHOWING
LOCATION OF PROPOSED BUILDING
FOR HILDA MURATA
ALSO PLOT PLAN OF
LAND.