ZBA 46-6

TOWN OF WELLESLEY, MASSACHUSETTS

Board of Appeal

June 4, 1946

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

Appeal of Victor and Mary Cononi

Pursuant to due notice the Board of Appeal held a public hearing in the Upper Town Hall on March 6, 1946 at 8:40 o'clock P.M. to consider the appeal of Victor and Mary Cononi from the refusal of the Inspector of Buildings to issue a permit to build a one car garage in pursuance of their application therefor dated February 19, 1946.

Statement of Facts

The Inspector of Buildings under date of February 25, 1946, notified the Appellants in writing that the permit for the proposed construction could not be granted because the same would violate Section 9-C of the Zoning By-Law, which requires a twenty foot side yard. On the same date, the Appellants took an appeal in writing from such refusal. Thereafter due notice of the hearing was given by mailing and publication.

At the hearing the Appellants submitted a plan of the proposed construction showing that the garage would be connected with the house by a breeze-way at the right rear, which breeze-way would be approximately ten feet in depth and ten feet in width, and that the garage would be approximately fifteen feet wide and twenty feet long; the rear of the garage projecting to the right of the house and coming within ten feet of the side line.

An objection to such construction was made at the hearing by one Avis Shamitz of 63 Donnazette Street, an adjacent owner towards whose property the proposed garage would lie.

The Board discussed the case and came to the conclusion that it could not grant a variance for a garage which would come within ten feet of the side line and the Appellants were so advised.

Thereafter the Appellants agreed to a modification of their proposal

which would place the garage fifteen feet from the side line and on April 3, 1946, appeared again before the Board.

Decision

It is believed that the granting of a variance of the twenty foot side yard requirement which in this case will permit the construction of a garage within fifteen feet of the side line will not prove detrimental to the appearance and character of the community. The lots on Donazette Street are of small frontage in the immediate vicinity of the Appellants' lot and the dwellings thereon in many instances lie within ten and twelve feet of the side line. Furthermore, there are detached garages in many instances which come within ten and fifteen feet of the side line. For example, at 68 Donazette Street, across the street from the lot in question, the detached garage is approximately ten feet from the side line. The garage at 63 Donazette Street, the adjacent lot, is within fifteen feet of the side line. It is further believed that no substantial increase in fire hazard would result from granting the variance and that the proposed garage, which will lie well to the rear of the dwelling, will in no way adversely affect the general appearance of the dwelling.

We unanimously find that a literal enforcement of Section 9-C of the Zoning By-Law would involve substantial hardship to the Appellants in this case and that a variance can be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of said Section. Accordingly, the requested variance is authorized and granted and the issuance of a permit for the proposed construction as described and specified in the Appellants' application and the plan submitted therewith is hereby directed, subject, however, to the condition that the garage may not be located closer than fifteen feet from the side line.

S W Leighton
Stanley W. Leighton

Robert R. Thurber
Robert R. Thurber

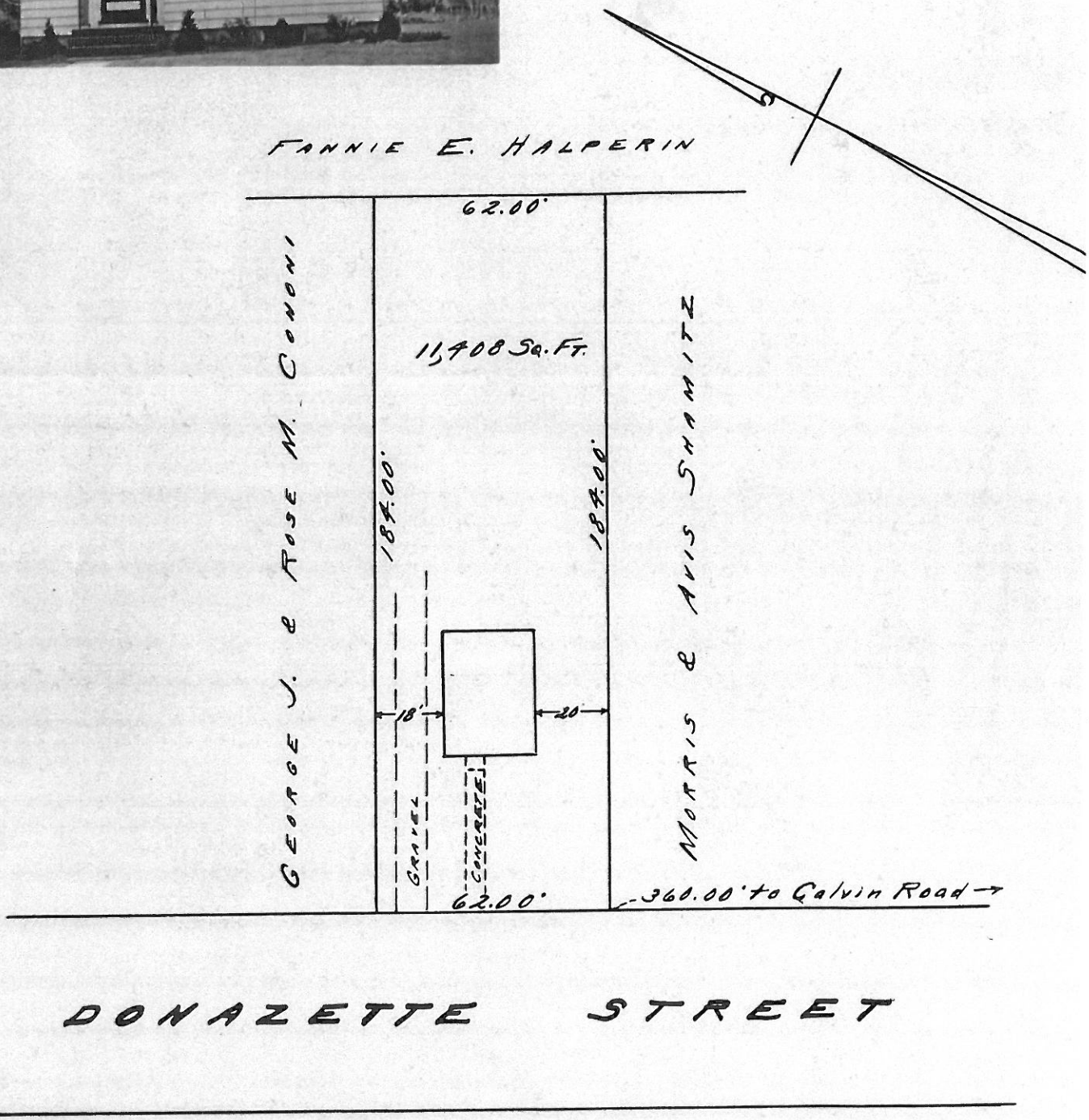
Burtis S Brown
Burtis S. Brown

PLAN OF PROPERTY
OWNED BY
VICTOR & MARY CONON
DONAZETTE STREET
WELLESLEY, MASS.

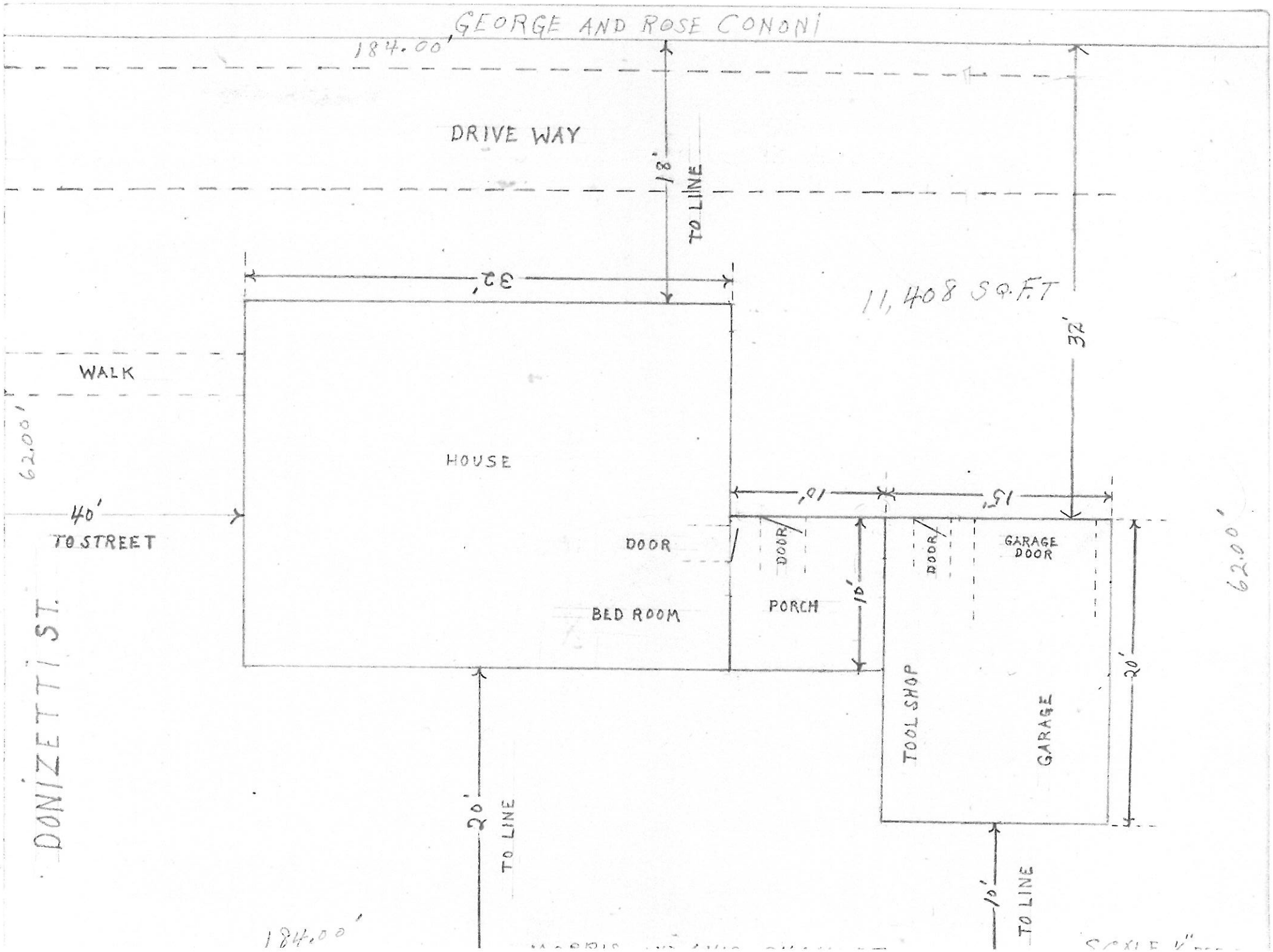
SCALE 40 FEET TO AN INCH

JUNE 17, 1942.

GLEASON ENGINEERING COMPANY



We hereby certify that the building on this property is located as shown on above plan.
Gleason Engineering Co., Surveyor.


GEORGE AND ROSE CONONI
184.00'
DRIVE WAY
18'
TO LINE
32'
11,408 SQ.FT
32'
WALK
62.00'
HOUSE
40'
TO STREET
DOOR
BED ROOM
10'
15'
DOOR
PORCH
10'
DOOR
GARAGE DOOR
TOOL SHOP
GARAGE
20'
62.00'
DONIZETTI ST.
20'
TO LINE
10'
TO LINE
184.00'