65-15

TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

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WELLESLEY, MASS.
1965 MAY 20 P 4:56

GARRETT S. HOAG
DANA T. LOWELL
F. LESTER FRASER

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TELEPHONE
235-1664

Petition of Harvey H. Newhall et ux

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 8:10 p.m. on May 20, 1965, on the petition of Harvey H. Newhall et ux requesting a special exception from the terms of Section XIX of the Zoning By-law which will permit the construction of an additional garage on the side of their dwelling at #1 Ivy Road with a side yard less than the required twenty feet. Said request was made under Section XIX of the Zoning By-law and Chapter 40A, Section 15, of the General Laws.

Henry D. White, attorney represented the petitioners at the hearing.

Carl Bertonazzi, speaking for his wife, the owner of the property at 118 Oak Street, spoke in favor of the petition.

Joseph P. Galvin, 5 Ivy Road, adjoining property owner and Howard T. Dickson, 2 Ivy Road, also spoke in favor of granting the request.

Letters favoring the request were submitted from Rupert P. Raymond, 117 Oak Street and Yolanda Bertonazzi, 118 Oak Street.

On May 10, 1965, the petitioners filed the above-mentioned request 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, approximately twenty-five feet from the lot line on the northerly side, on a rectangular lot approximately 95' wide and 200' deep, and has a one-car attached garage. The property was purchased by the petitioners about a year ago. They then owned two cars.

The petitioners present seek permission to extend the building 8' x 21.2' in a northerly direction in order to provide a second garage. A plot plan, drawn by Gleason Engineering Company, dated April 5, 1965, was submitted which showed the existing dwelling and the proposed addition. Said plan showed the proposed addition to be 8' x 21.2' and located on the side of the dwelling 16' from the lot side line at the rear corner and 17' from the lot side line at the front corner.

Since purchasing the property the petitioners have parked one car in the driveway, and during the winter months on occasions it cannot be started; consequently the car in the garage cannot get out of the driveway. Because of the contour of the land and the existence of a small amount of ledge, it does not appear feasible to build a detached garage in the rear of the property.

Decision

The Board has made a careful study of the plans submitted and has taken a view of the locus. The house was built in 1950 on a lot which adjoined other land of the same owner on April 1, 1940. The Board is, therefore, not authorized to 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 Laws, Chapter 40A, Section 15, and in its opinion, the desired addition would reduce the value of property in the neighborhood. Ivy Road was developed during the last fifteen years, and it appears to the Board that all the dwellings on the street have side yards at least the minimum width of twenty feet. To allow an encroachment of this kind, even though it is slight, the Board feels would result in detriment to the neighborhood and establish a precedent for others who may wish to encroach on the side yard. The Board feels that the petitioners having knowingly bought into the situation cannot now claim their inability to build a second garage as a"substantial hardship" within the meaning of Chapter 40A, Section 15, of the General Laws.

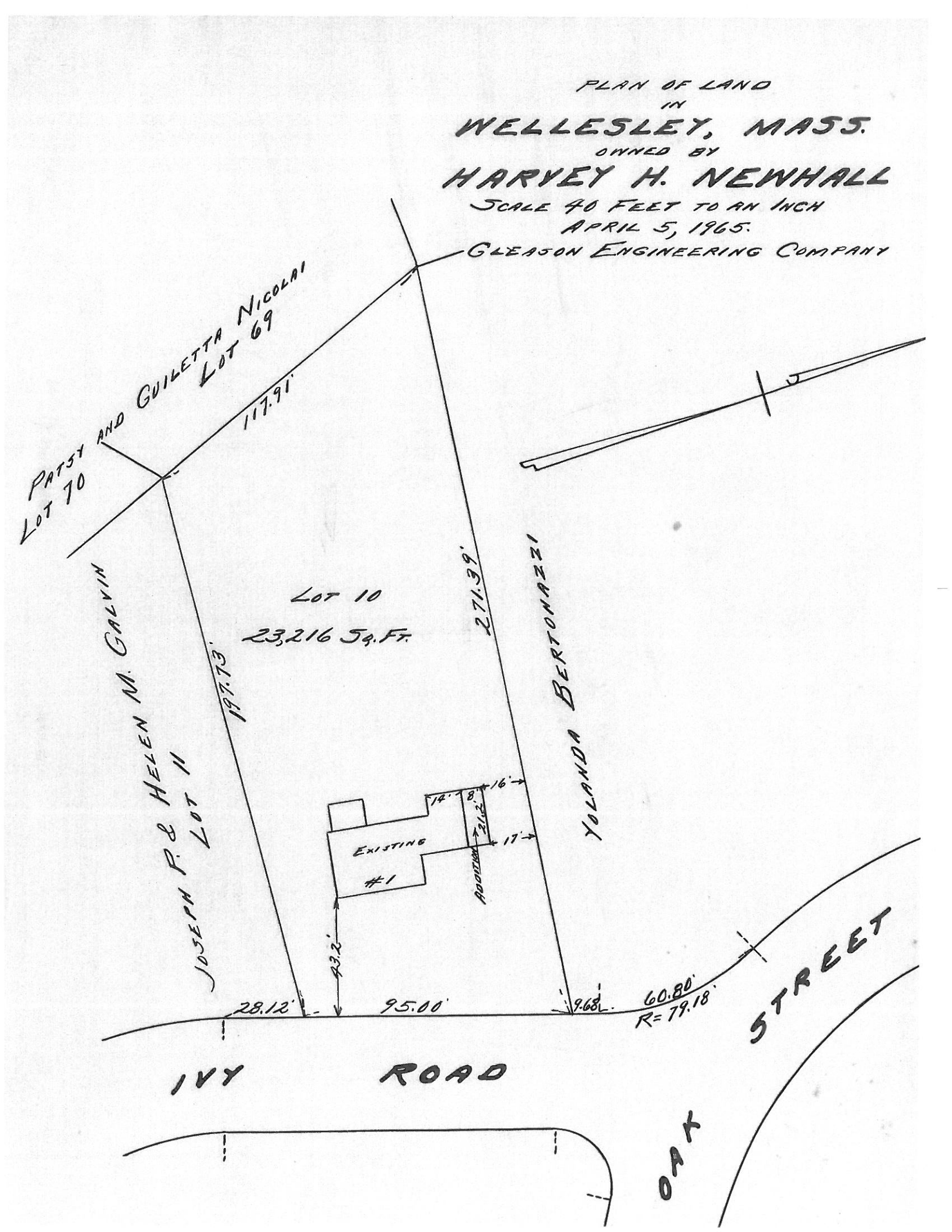
Accordingly, the request is denied and the petition dismissed.

Garrett S. Hoag

Dana T. Lowell

F. Lester Fraser

Filed with Town Clerk_____


PLAN OF LAND
IN
WELLESLEY, MASS.
OWNED BY
HARVEY H. NEWHALL
SCALE 40 FEET TO AN INCH
APRIL 5, 1965.
GLEASON ENGINEERING COMPANY
PATSY AND GUILETTA NICOLAI
LOT 70
LOT 69
117.91'
JOSEPH P. & HELEN M. GALVIN
LOT 11
197.73'
LOT 10
23,216 SQ. FT.
271.39'
YOLANDA BERTONAZZI
EXISTING
#1
ADDITION
14'
8'
16'
21.2'
17'
43.2'
28.12'
95.00'
9.68'
60.80'
R=79.18'
IVY ROAD
OAK STREET