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TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

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1965 JUN 10 AM 11 : 16

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Appeal of Nora Boiardi

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 8:25 p.m. on May 20, 1965, on the appeal of Nora Boiardi from the refusal of the Inspector of Buildings to issue a permit to her to construct an addition on her attached garage on the side of her dwelling at 78 Kingsbury Street.

The reason for such refusal was that said addition would violate Section XIX of the Zoning By-law which requires a twenty-foot side yard, and Chapter IV, Section 1, of the Building Code which requires that the walls of a Type V building shall be at least ten feet from any party line.

Alfonso Boiardi, husband of the appellant, spoke in support of the appeal at the hearing.

Arthur K. Wells, 71 Kingsbury Street, spoke in favor of granting the request.

On May 3, 1965, the Inspector of Buildings notified the appellant in writing that her application for a permit had been refused for the above-mentioned reasons, and on May 4, 1965, the appellant took an appeal therefrom. Thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The house involved which was built in 1940, is located within a single-residence district requiring a minimum lot area of 10,000 square feet.

The appellant seeks permission to lengthen her attached garage approximately six feet by constructing an addition 6' x 12.3' on the rear. The present garage is 12.3' x 18' and not long enough to accommodate a modern car. A plot plan drawn by Gleason Engineering Company, dated April 30, 1965, was submitted which showed the existing dwelling with the attached garage as well as the proposed addition. Said plan showed that the proposed addition, if built, would lie ten feet from the lot side line and would continue the line of the existing attached garage.

Decision

The Board finds that a real need exists for the proposed addition and the facts in this case satisfy the conditions set forth in Section XIX of the Zoning By-law and Chapter IV, Section 1, of the Building Code on which the Board's authority depends to grant a special exception from the application of the side yard restrictions of the Zoning By-law and a variance from the Building Code.

The house was built in 1940, prior to the enactment of the side yard requirement and was held of record on April 1, 1940 under a separate and distinct ownership from adjacent lots. The lot is narrow with a width of only 81.35' and a depth of 188.00'. Compliance, therefore, with the side yard requirement of twenty feet is impractical because of the width and shape of the lot. It is the opinion of this Board that manifest injustice would result to the appellant if the requested variance is not granted, and that the provisions of the Building Code did not contemplate the circumstances of this specific case which involves only a lengthening not an increase in the encroachment. In the opinion of this Board the proposed addition will not prove detrimental to the neighborhood nor derogate from the intent and purpose of the by-laws.

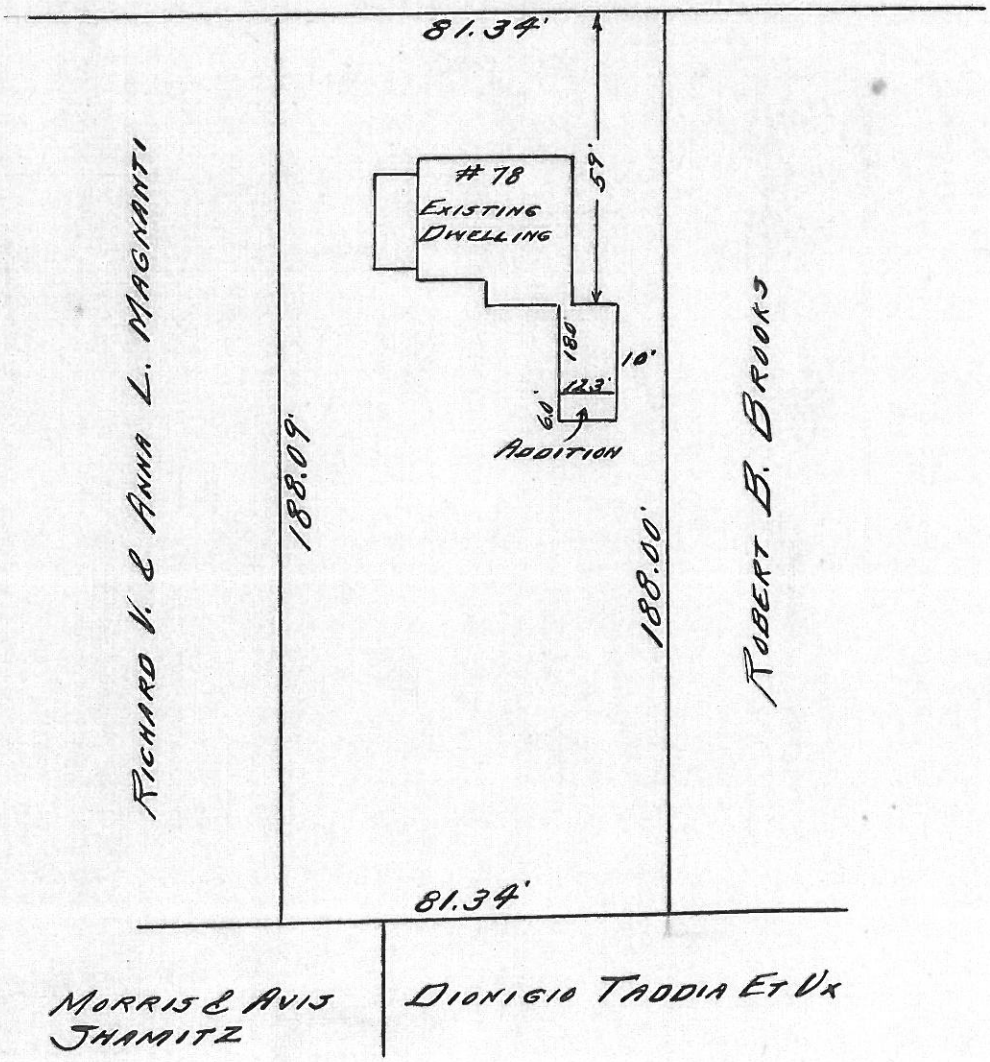
It is, therefore, the unanimous opinion of this Board that the requested exception to construct the proposed addition will not injure the neighborhood and permission is granted for the proposed addition in accordance with the plans submitted and on file with this Board.

Garrett S. Hoag

Dana T. Lowell

F. Lester Fraser

Filed with Town Clerk _____

PLAN OF LAND
IN
WELLESLEY, MASS.
OWNED BY
NORA BOIARDI
SCALE 40 FEET TO AN INCH
APRIL 30, 1965.
GLEASON ENGINEERING COMPANY

KINGSBURY STREET