

65-41

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Petition of Fred W. Keith

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 8:05 p.m. on October 28, 1965, on the petition of Fred W. Keith requesting a special exception and variance from the terms of Section XIX of the Zoning By-law which will permit the construction of an addition on the side of his dwelling at 48 Chesterton Road with a side yard less than the required twenty feet. Said request is made under the provisions of Section XIX of the Zoning By-law and Chapter 40A, Section 15, of the General Laws.

On September 27, 1965, the petitioner filed his application with this Board seeking permission to construct an addition on the side of his dwelling and thereafter due notice of the hearing was given by mailing and publication.

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

Peter Conn, 49 Chesterton Road and Wilbert J. Emigh, 52 Chesterton Road, both spoke in favor of the request.

A petition signed by eleven nearby property owners was submitted at the hearing. All wished to be recorded in favor of the Board granting the requested variance.

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 westerly side.

The petitioner seeks permission to construct an addition 9' x 30.4' on the westerly side of his dwelling in order to provide a second garage and through a rearrangement of the rooms, provide a larger kitchen and an additional bedroom.

A plot plan was submitted, drawn by Gleason Engineering Company, which showed the existing dwelling on the lot as well as the proposed addition. Said plan showed the proposed addition to be 9' x 30.4' and located 17' from the lot side line at the rear corner and 16' from the line at the front corner.

It was stated that the petitioner has two cars, one of which is used in business; that frequently he has to leave the house at 5:00 or 6:00 a.m. and for that reason needs to garage his car especially during the winter months; that he has two children and needs a third bedroom which the proposed addition would provide by converting the present kitchen into a bedroom; and that the house is centered on the lot so that it would not be possible to construct the proposed addition at any other location and comply with the by-laws.

WELLESLEY, MASS.  
TOWN CLERK'S OFFICE  
RECEIVED

The Board has given careful study to all the facts in this case and has taken a view of the locus. The house was built in 1950 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 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. Chesterton Road was developed during the last fifteen years, and it appears to the Board that with one exception, all the dwellings on the street have side yards at least the minimum width of twenty feet. To allow the encroachment of the kind proposed would, the Board feels, result in detriment to the neighborhood and establish a precedent for others who may wish to encroach on the side yard. The Board is unable to find any condition affecting the land which does not affect the district generally as it must before a variance may be granted under the General Laws. Nor can it find that the petitioner's inability to construct the proposed addition is a "substantial hardship" within the meaning of the General Laws, Chapter 40A, Section 15, as the side yard requirement was in effect when the petitioner purchased the property and he should have been aware of its limitations at that time.

Accordingly, the request is denied and the petition dismissed.

*Garrett S. Hoag*  
 \_\_\_\_\_  
 Garrett S. Hoag

*Dana T. Lowell*  
 \_\_\_\_\_  
 Dana T. Lowell

*F. Lester Fraser*  
 \_\_\_\_\_  
 F. Lester Fraser

Filed with Town Clerk \_\_\_\_\_

1982 NOV 23 PM 15:15  
 METTERIEY, IVES  
 TOWN OFFICE  
 RECEIVED

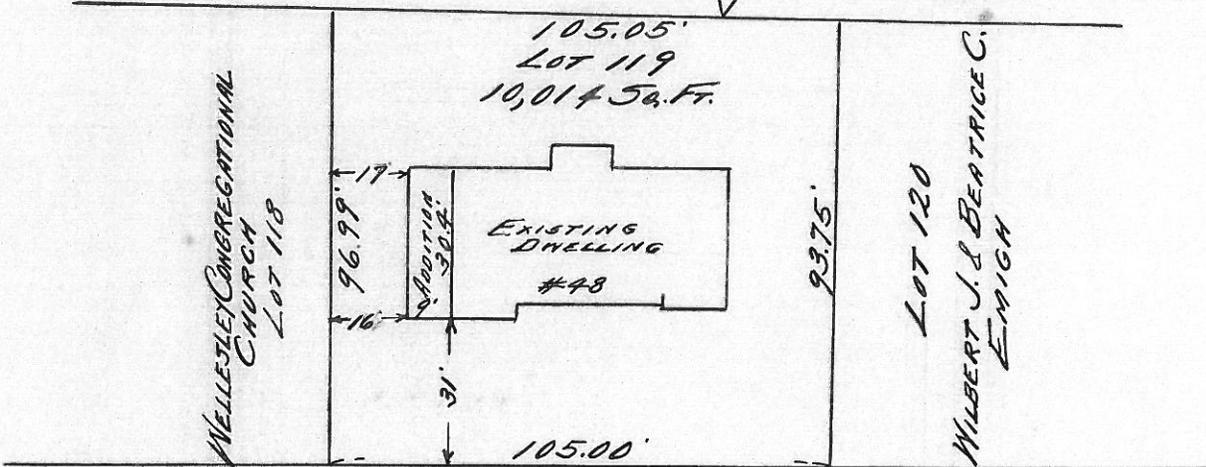


PLAN OF LAND  
IN  
**WELLESLEY, MASS.**  
OWNED BY  
**FRED W. JR. & VIRGINIA P. KEITH**  
SCALE 40 FEET TO AN INCH  
SEPTEMBER 27, 1965.  
GLEASON ENGINEERING COMPANY



DOROTHY J. HEFFERMEHL

HUBERT G. & JOAN B.  
QUACKENBUSH



CHESTERTON ROAD