

TOWN OF WELLESLEY



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BOARD OF APPEAL

MAY 31 AM 10:50

RICHARD O. ALDRICH
DANA T. LOWELL
F. LESTER FRASER

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Hristo and Theodora Doku

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 25, 1967, on the petition of Hristo and Theodora Doku requesting an exception from the terms of Section XIX of the Zoning By-law which would allow them to construct a covering over an existing driveway and retaining walls on the front of their dwelling at 81 Wellesley Avenue with a front yard less than the required thirty feet. Said request was made under the provisions of Chapter 40A, Section 15, of the General Laws.

Theodora Doku spoke in support of the request at the hearing.

Eugene Pawlowski, 72 Wellesley Avenue, spoke in favor of granting the request.

On May 4, 1967, 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 20,000 square feet. It was built in 1952, with the main portion of the house located approximately fifty feet from the street line. Subsequently, the County made a taking of approximately fifteen feet at the time Wellesley Avenue was widened, which reduced the front yard of the dwelling. In 1963, the petitioners constructed a nine-foot covering over the retaining walls in front of the attached garage.

The petitioners now seek permission to continue the covering an additional nine feet in order to prevent the severe snow drifts which now pile up on the sides of the walls and stairway. The covering, if built, will rest on the existing retaining walls. The house is located on a steep hill which makes access to it difficult and hazardous during storms. The proposed covering, it is felt, will help to alleviate this almost unmanageable condition.

A plot plan was submitted, drawn by G. S. George, Registered Engineer, dated April 3, 1967, which showed the location of the dwelling and proposed covering. Said plan showed the proposed covering to be nine feet in length and to be located 20.5' from the street line.

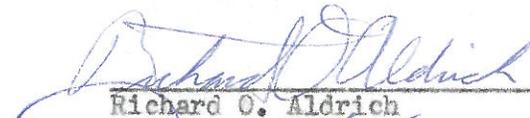
Decision

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 1952 and adjoined other land of the same owner on April 1, 1939. The Board is, therefore, not authorized to make a special exception under Section XIX of the Zoning By-law as said section authorized the Board to grant such exceptions only if on April 1, 1939, the lot was owned of record under a separate and distinct ownership from adjacent lots. The Board, however, considered the appeal under the

provisions of General Laws, Chapter 40A, Section 15, and in its opinion, the configuration of petitioners' lot, the way in which it was developed and the taking by the Town are conditions peculiarly affecting this lot, that the desired roof covering will not reduce the value of property in the neighborhood and a literal enforcement of Section XIX of the Zoning By-law will cause a substantial hardship to the petitioners which can be avoided without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law. The Board feels that the petitioners do have a problem which can be corrected to some extent with the proposed covering.

Accordingly, it is the opinion of this Board that a special exception can be granted from the terms of Section XIX of the Zoning By-law under the provisions of Chapter 40A, Section 15, of the General Laws.

Accordingly, the appeal is granted and the issuance of a permit for the proposed roof covering, as shown on the plan submitted and on file with this Board is hereby authorized.


Richard O. Aldrich


Dana T. Lowell


F. Lester Fraser

Filed with Town Clerk _____

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