



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Agata A. Mandozzi

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 8:20 p.m. on June 6, 1968, on the petition of Agata A. Mandozzi, requesting an exception and variance from the terms of Section XIX of the Zoning By-law which will permit the construction of a building containing a public garage and dwelling with side yards less than the required twenty feet on the premises numbered 5 Columbia Street. Said request was made under the provisions of Chapter 40A, Section 15, of the General Laws. The petitioner further requested permission, under the provisions of Section XXIV E. 2, of the Zoning By-law to extend the business use across a boundary line into a Single-residence District. Said extension to continue in a northerly direction to the northerly boundary of the premises approximately thirty-seven feet. Said request was made for the purpose of erecting a three-car garage on the above-mentioned premises.

On May 20, 1968, the petitioner filed her request for a hearing before this Board, and thereafter due notice of the hearing was given by mailing and publication.

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

The following persons opposed the granting of the request at the hearing: Reginald Stimson, 9 Columbia St., Pietro Nuzzi, 15 Columbia St., Thomas F. Sullivan, 12 Columbia St., Raymond Capobianco, 18 Columbia St., Thomas A. Capobianco, 24 Columbia St., Robert E. Chaffee, 19 Columbia St., Gerald R. Burns, 25 Columbia St., Margaret G. Johnson, 16 Columbia St., and Gertrude Stimson, 9 Columbia St. All felt that the proposed building would increase the present traffic congestion which is created by patrons coming and leaving the bank as well as through traffic on Columbia Street. It is dangerous now and to allow any further activity in the area would create a greater hazard.

Statement of Facts

The lot involved contains 10,000 square feet and is located partially within a Business "A" District and partially within a Single-residence District, requiring a minimum lot area of 10,000 square feet. It adjoins another lot owned by the petitioner containing 11,780 square feet on which there is a bank, a cleanser and a real estate office.

There is at present a three-car garage on the lot involved located entirely within a Single-residence District, 6' from the northerly boundary line and 1.66' from the easterly boundary line. It is in a dilapidated condition and the petitioner seeks permission to rebuild on the exact site a modern building which will have a three-car garage on the first floor and an apartment on the second floor. The apartment will be used by the petitioner, who operates the cleansing establishment on the adjoining lot, and will provide a place where she and her family can stay near her business.

One garage space would be used for her car and the other two would be available for rental.

As the building is entirely within a Single-residence District, a request is made for the extension of a business use 37' which will include the entire building. The building is only 6' from the side lot line rather than the required twenty feet; therefore, an exception is requested to allow the building to be rebuilt on its present site. It is the feeling of the petitioner that the proposed modern building will be an improvement to the area and will not create any increased traffic.

A plot plan was submitted, drawn by Gleason Engineering Company, dated March 9, 1967, revised May 23, 1968, which showed the existing building on the property as well as the existing zone line.

Decision

The Board has studied the facts in this case and has taken a view of the locus. The petitioner has requested that this Board extend a business use in order to allow her to rebuild a three-car garage with an apartment above. The petitioner's request is made under Chapter 40A, Section 15, of the General Laws which requires a finding by this Board of conditions especially affecting the parcel in question but not affecting generally the zoning district in which said parcel is located and of consequent substantial hardship incident to literal enforcement of the zoning by-law in respect to said parcel. The Board finds no such conditions. Evidence received by the Board of continuing illegal use of a portion of the premises for parking certainly does not constitute a basis for the relief here requested.

In the view of the Board rebuilding the structure in question would exacerbate an already difficult parking and traffic situation in the area and would extend a non-conforming situation which is a potential fire hazard because of the proximity of other buildings. The Board is of the opinion that the granting of the relief requested would be detrimental to the neighborhood and would be inconsistent with the intent and purpose of the Zoning By-law.

The Board must further find that the proposed extension is reasonably necessary and will not substantially reduce the value of any property within the district nor otherwise injure the neighborhood. It is the opinion of this Board that the proposed building, located as requested, would reduce the value of property in the neighborhood and that the request is not reasonably necessary.

For the reasons stated, the Board is unanimously of the view that the requested relief is not warranted.

Accordingly, the requested variance and exception are denied and the petition is dismissed.


Richard O. Aldrich


Dana T. Lowell


Robert T. Colburn

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TOWN CLERK
MAY 15 1968

PLAN OF LAND
 IN
WELLESLEY, MASS.
 OWNED BY
AGATA A. MANDOZZI

SCALE 40 FEET TO AN INCH
 MARCH 9, 1967
 GLEASON ENGINEERING COMPANY
 REVISED MAY 23, 1968.

