



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
 TELEPHONE
 295-1664

Petition of Robert F. and Alice L. McNamara

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 8:15 p.m. on September 26, 1968, on the petition of Robert F. and Alice L. McNamara, requesting a special exception or variance 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 28 Chesterton Road with a side yard less than the required twenty feet. Said request is made under Section XIX of the Zoning By-law and Chapter 40A, Section 15, of the General Laws.

On August 29, 1968, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Robert F. McNamara spoke in support of the petition at the hearing.

Marjorie F. Morse, 24 Chesterton Road, Katherine M. Hudson, 40 Chesterton Road, and Alice L. McNamara, 28 Chesterton Road, all spoke in favor of granting the request. All felt that the proposed garage would be an improvement to the property and the neighborhood.

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 on a lot of land which adjoined other land of the same owner on April 1, 1940.

The petitioners seek permission to extend their existing attached garage ten feet in a westerly direction in order to provide a two-car garage. It was stated that there is a real need for the proposed additional garage, and it is the feeling of the petitioners that the proposed addition will be an improvement to the neighborhood as the cars can be garaged and not prove annoying to the neighbors in the driveway and on the street.

A plot plan was submitted, drawn by Gleason Engineering Company, dated July 15, 1968, which showed the existing dwelling and the proposed addition. Said plan showed the proposed addition to be twelve feet from the lot side line on the westerly side.

Decision

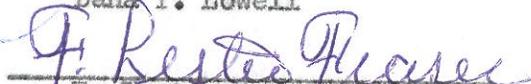
The Board has made a careful study of the facts submitted and have viewed the locus. The house was built in 1950 on a lot which adjoined other land of the same owner in 1940. This Board, therefore, cannot make a "special exception" under Section XIX of the Zoning By-law as said section authorizes the 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 Law,

Chapter 40A, Section 15, and in its opinion a literal enforcement of Section XIX of the Zoning By-law would 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 said section. Although the lot contains 18,037 square feet in area, it is peculiar in shape with a frontage of only seventy feet with irregular side lines. It is the opinion of the Board, therefore, that conditions exist in this case which affect the lot involved but do not affect generally the district in which it is located.

Accordingly, the requested variance is authorized under the provisions of Chapter 40A, Section 15, of the General Laws, and a permit may be issued for the proposed addition as shown on the plan submitted and on file with this Board.


Richard O. Aldrich

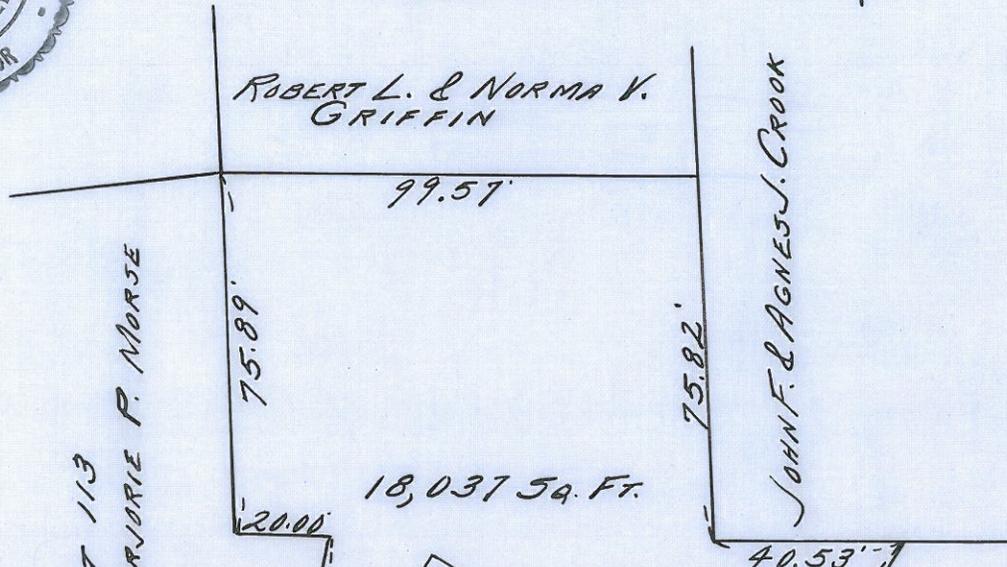

Dana T. Lowell


F. Lester Fraser

Filed with Town Clerk _____

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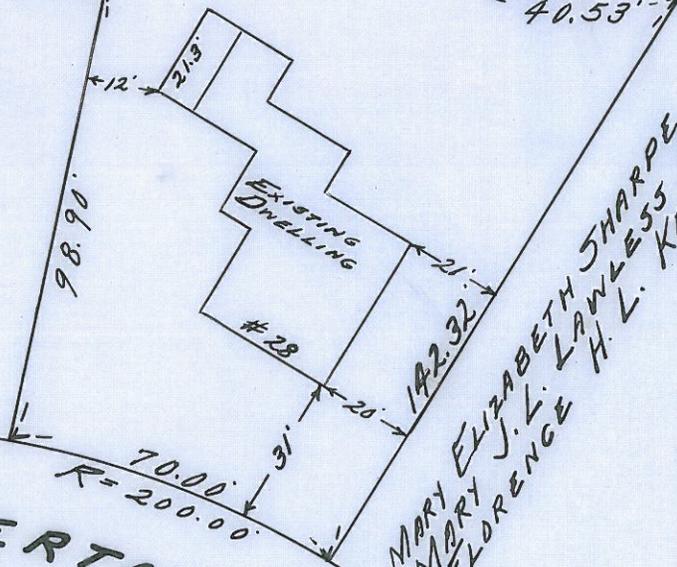
PLAN OF LAND
 IN
WELLESLEY, MASS.
 OWNED BY
ROBERT F. & ALICE L. McNAMARA
 SCALE 40 FEET TO AN INCH
 JULY 15, 1968.
 GLEASON ENGINEERING COMPANY



Lot 113
 WALTER P. & MARJORIE P. MORSE

ROBERT L. & NORMA V. GRIFFIN

JOHN F. & AGNES J. CROOK



MARY ELIZABETH SHARPE
 MARY J. K. LAWLESS &
 FLORENCE H. L. KERIS

CHESTERTON ROAD