



BOARD OF APPEAL

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

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 TOWN OF WELLESLEY
 1970 APR 30 11:02 AM
 KATHARINE E. TOY, CLERK
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Petition of Albert Auburn and Marion Rae Auburn

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 8:00 p.m. on April 30, 1970, on the petition of Albert Auburn and Marion Rae Auburn, requesting a special exception or variance from the terms of Section XIX of the Zoning By-law which will permit the construction of a detached concrete block garage at the side of the dwelling at 33 Avon Road. The reason for the request is that the proposed garage will reduce the existing twenty-foot side yard of the dwelling on the lot. 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 March 30, 1970, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Albert Auburn spoke in support of the request at the hearing.

Statement of Facts

The property involved is located within a Single-residence District, requiring a minimum lot area of 10,000 square feet. There is a house and single-car garage on the lot at present. The house was built in 1928, prior to the enactment of the Zoning By-law requiring a twenty-foot side yard and was held under separate and distinct ownership from adjacent lots on April 1, 1940.

The petitioners seek permission to replace the existing garage with a two-car garage approximately 20' x 24', to be located between the house and the easterly side line of the lot, eighteen feet from the house and two feet from the lot side line. The garage, if built, is to be constructed of concrete block. It was stated that the present garage is inadequate and due to its size, difficult to garage one car in it. The proposed garage will accommodate the modern cars and provide the space needed by the petitioners at this time. It was pointed out that the present garage is badly in need of repair and the proposed garage should be an improvement to the neighborhood.

A plot plan was submitted, drawn by Gleason Engineering Company, dated March 24, 1970, which showed the existing dwelling on the property and the proposed garage.

Decision

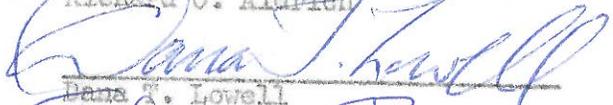
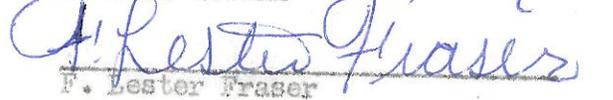
The Board finds that a real need exists for the proposed garage and the facts in this case satisfy the conditions set forth in Section XIX of the Zoning By-law on which the Board's authority depends to grant a special exception from the application of the side yard restrictions of that section.

Both the house and the existing detached garage were built prior to the enactment of the present side yard restrictions. While the lot is rectangular in shape, it is narrow, and the house is so situated on the lot, that a two-car garage could not be built on the property without encroaching into the side yards. The lot is a corner lot which imposes further restrictions upon the location of buildings and structures on the lot.

For these reasons, the Board feels that the proposed garage will not prove detrimental to the public good nor injure the neighborhood. It is the further opinion of the Board that although the proposed garage will be only two feet from the lot line and eighteen feet from the house, there will be no greater fire risk to the dwelling on the property or to surrounding properties. The proposed garage, however will provide space for two cars which the present garage cannot accommodate now and will, in the opinion of this Board, improve the appearance of the neighborhood.

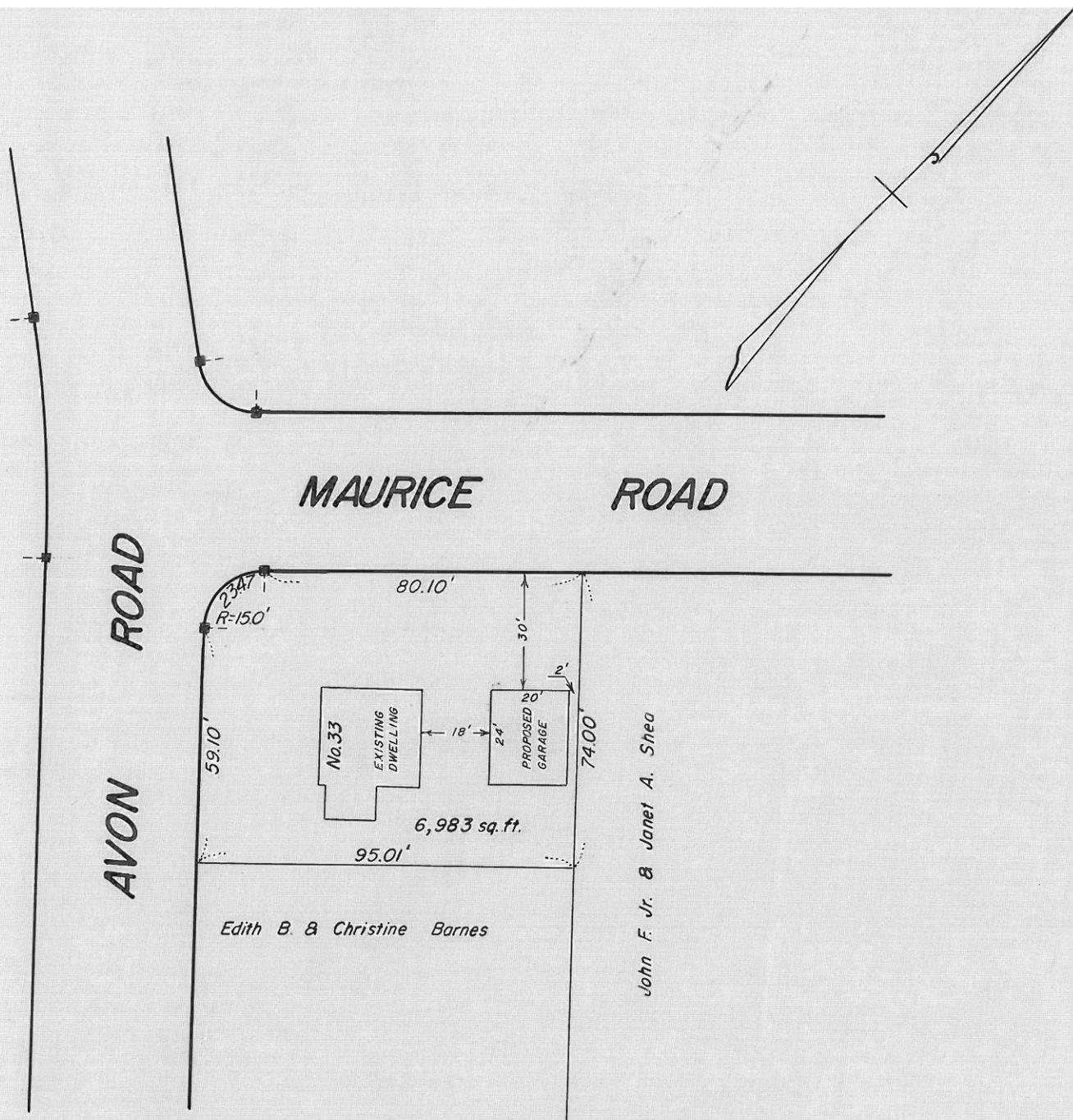
Accordingly, a special exception is granted for the construction of the proposed garage, in accordance with the plan submitted and on file with this Board, and the Building Inspector is authorized to issue a permit to construct said garage subject to the following conditions:

1. That said garage shall be constructed of concrete block.
2. That said garage shall comply in all respects with the requirements of the Building Code and Zoning By-law, except for the special exception herein granted.


 Richard O. Aldrich

 Dana F. Lowell

 F. Lester Fraser

Filed with Town Clerk _____

1940 JUN 1 PM 11:00
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PLAN OF LAND
 IN
WELLESLEY, MASS.
 OWNED BY
ALBERT & MARION RAE AUBURN

Scale 40 feet to an inch
 March 24, 1970
 Gleason Engineering Company