



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Charles Leo and Katherine A. Fitzpatrick

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 8:25 p.m. on April 30, 1970, on the petition of Charles Leo and Katherine A. Fitzpatrick, requesting an exception from the terms of Section XVIII, Area Regulations, of the Zoning By-law, which will permit the division of the land appurtenant to the house at 9 Hastings Street into two lots, namely, Lot "A" on which a dwelling house stands and Lot "B", with both lots containing less than the required 15,000 square feet.

On April 13, 1970, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

John A. Cunniff, attorney, represented the petitioners at the hearing.

Elsie B. Muir, 78 Sheridan Road, stated that her only objection to the granting of the request was that it might set a precedent.

A letter favoring the granting of the request was received from Frederick and Mary Wegerdt, 185 Cedar Street.

Statement of Facts

The property involved is located within a Single-residence requiring a minimum lot area of 15,000 square feet.

The petitioners seek permission to divide the property involved into two lots; namely Lot "A", which would contain 10,882 square feet with a dwelling thereon, and Lot "B", a vacant lot, which would contain 10,875 square feet. They request a special exception from the terms of Section XVIII of the Zoning By-law which will allow the construction of a dwelling on Lot "B" with an area less than the required 15,000 square feet and will allow the existing dwelling to remain on a lot less than the required area.

It was alleged at the hearing that most of the houses in the immediate neighborhood are built on lots containing less than the required area and some on considerably less than the proposed lots. The area involved was developed prior to 1940 when the present 15,000 square foot requirement became effective. It was further alleged that due to the heavy traffic on the street, lots as large as prescribed would not be readily salable. It was also pointed out that the proposed lots would each have a frontage of 128.19', and that a dwelling could be built on Lot "B" which would be in keeping with other houses in the neighborhood and in compliance with the Zoning By-law and Building Code.

A plot plan was submitted, drawn by Gleason Engineering Company,

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dated April 9, 1970, which showed the proposed division of the property.

Decision

The Board has made a careful study of all pertinent facts in this case, has examined the plans submitted and has taken a view of the locus.

Section XVIII of the Zoning By-law provides, so far as pertinent to this case, that the Board of Appeal may make special exceptions to the provisions of said section when after a public hearing it shall find that adjoining areas have previously been generally developed by the construction of houses on lots generally smaller than is prescribed by this section.

The Board finds that the majority of houses in the neighborhood are on lots containing less than the prescribed area and a number containing approximately the same area or less than the lot involved. The established standard in the neighborhood does not reasonably require a subdivision of the applicant's land into lots as large as required by the Zoning By-law. Because of these facts, it is the opinion of this Board that an exception should be granted.

Accordingly, the requested special exception is granted and the Inspector of Buildings is hereby authorized to issue a permit for the erection of a dwelling on Lot "B" as shown on the plan submitted and on file with this Board subject to the following condition:

1. That the existing garage and attached addition now located on the property shall be removed and/or relocated so as to conform with the location and other requirements of the Zoning By-law and Building Code prior to the issuance of a building permit for the construction of a dwelling on Lot "B".

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William T. &
Virginia P
Mc Cormick

Walter F. & Olive G. Lawson

George & Jeanne L. Adzigion

Frederick R. Jr. & Mary F. Wegerdt

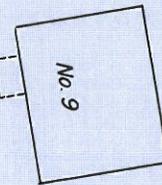
Mary Connors

84.98'

128.13'
B
10,875 sq. ft.

84.91'

128.13'
A
10,882 sq. ft.



84.85'

128.19'

128.19'

159.10' TO CEDAR ST.

HASTINGS

STREET

PLAN OF LAND
1/4"

WELLESLEY, MASS.

OWNED BY

CHARLES LEO & KATHERINE A. FITZPATRICK

Scale 40 feet to an inch

April 9, 1970

Gleason Engineering Company