

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Robert M. and Nancy S. Hurwitz

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 June 25th, 1970, on the petition of Robert M. and Nancy S. Hurwitz, requesting a special exception from the terms of Section XIX of the Zoning By-law which will permit the construction of an addition and attached garage on the side of their dwelling at 92 Dover Road with a side yard less than the required twenty feet.

On June 4, 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.

Robert M. Hurwitz spoke in support of the request at the hearing.

Catherine E. Dresser, 6 Benvenue Street, stated that she did not oppose the proposed two-car garage and addition providing a room is not built above the garage.

A letter was also received from Catherine E. Dresser, 6 Benvenue Street, in which she stated that after discussing the plans with the petitioners and coming to certain agreements with them, she does not object to the requested exception being granted.

A letter was received from Dorothy W. Davidson, 1 Benvenue Street, in which she stated that while she felt that the proposed two-story addition will cut off a good deal of prevailing breeze from the neighbors, the plans are attractive.

Statement of Facts

The house involved was built in 1924, prior to the enactment of Section XIX of the Zoning By-law requiring a minimum twenty-foot side yard, and is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The petitioners request permission to construct an addition on the side of their dwelling which will provide a family room on the first floor with a bedroom and bath room above and an attached two-car garage. It was stated that the proposed living space is needed as the house now has only three bedrooms and the petitioners have three children. It was further pointed out that the proposed two-car garage will afford protection for the cars from the elements and will help to maintain the value of the property, and keep the neighborhood attractive by having both cars garaged.

There is presently a detached garage on the property which is in need of repair and will be removed if the requested exception is granted.

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A plot plan was submitted, drawn by MacCarthy Engineering Service, Inc., Natick, Mass., dated April 30, 1970, which showed the proposed addition to be located on the easterly side of the existing dwelling, twelve feet from the lot line on the easterly side. The proposed family room was shown on the plan to be 9'4" x 14', and the attached garage 22' x 22'. Floor plans and elevations were also submitted.

Decision

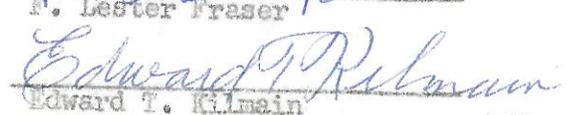
It is the opinion of this Board that a real need exists for the proposed addition which will provide needed space for the petitioners' family as well as a two-car garage. In its opinion, due to the size of the lot and the location of the existing house on it, compliance with the side yard requirement of Section XIX of the Zoning By-law is impracticable. The lot was held of record on April 1, 1940 under separate and distinct ownership from adjacent lots. The facts, therefore in this case, satisfy the conditions set forth in said section on which the Board's authority depends to grant a special exception from the application of the yard restriction.

The Board has taken into consideration the fact that an addition can be constructed with a one-car garage, without an exception, but it feels that the additional garage will not only prove advantageous to the petitioners, but will enhance the neighborhood.

Accordingly, the requested exception is granted and the Inspector of Buildings is authorized to issue a permit for the proposed addition and attached two-car garage in accordance with the plans submitted and on file with this Board subject to the following conditions:

1. That the existing detached garage shall be removed from the premises prior to the erection of the new garage.
2. That no room, except storage space, shall be provided above the garage, encroaching within the 20' side yard.


Richard C. Aldrich

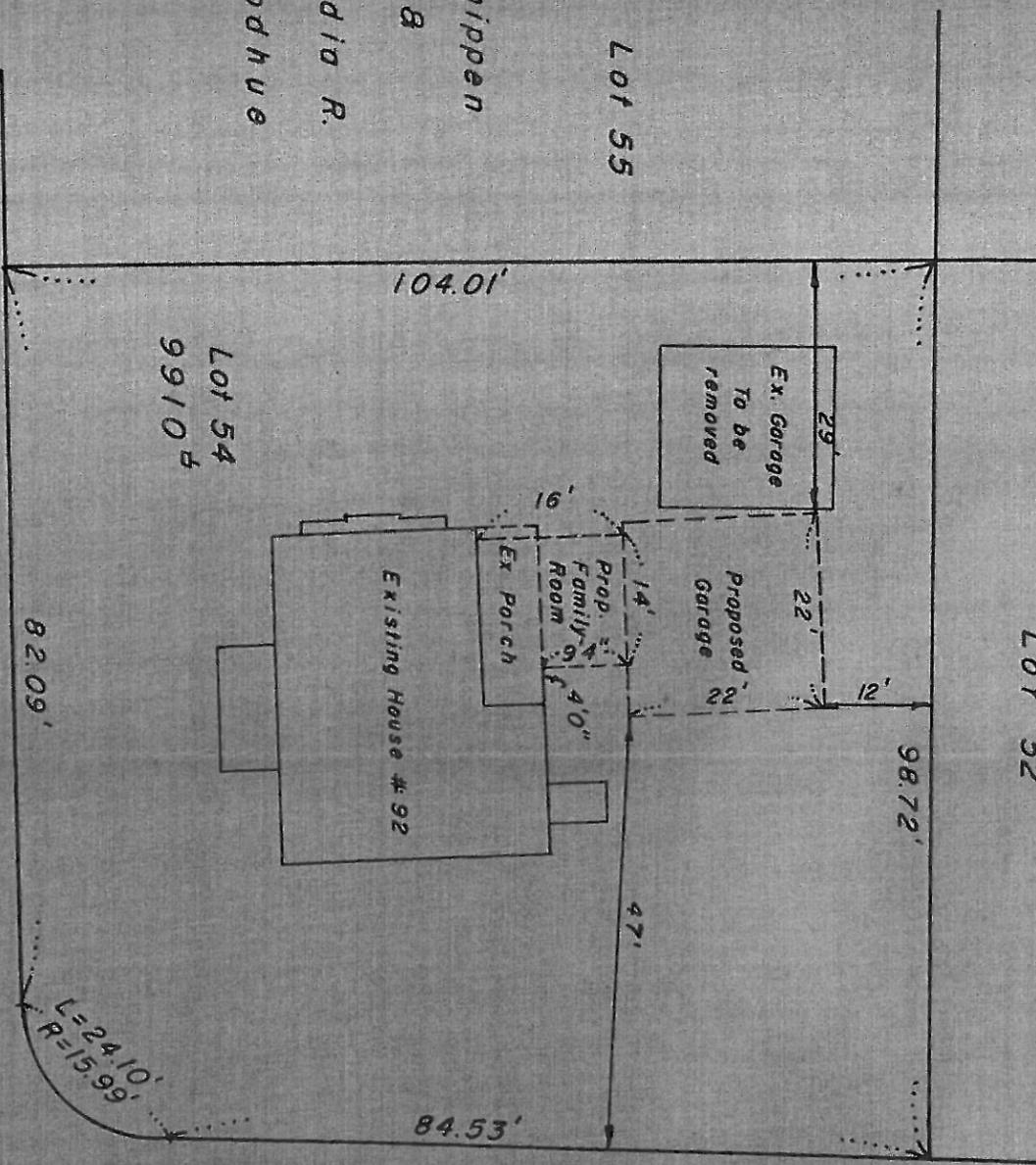
F. Lester Fraser

Edward T. Kilmain

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Paul W & Juliette K
Fager

M a r i c o l m
D r e s s e r e t a l
Lot 52



Lot 55
H. Shippen
&
Lydia R.
Goodhue

D o v e r
R d.

Benvenue St.

Approved by:
Wellesley Board of Appeals

Date: _____

Plan of Land in Wellesley, Mass.

Owned by: Robert M. & Nancy S. Hurwitz

Scale: 1" = 20'

April 30, 1970



Plan by: MaccCarthy Engineering Service Inc.
Natick, Mass.