



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
 TELEPHONE
 238-1664

70-3
 FEB 10 10:03 AM '70
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Appeal of Harold W. and Jessie S. Melvin

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 February 5, 1970, on the appeal of Harold W. and Jessie S. Melvin, from the refusal of the Inspector of Buildings to issue a permit to them to construct an attached garage on the side of their dwelling at 22 Brook Street. The reason for such refusal was that said garage would violate Chapter IV, Section 1, of the Building Code which requires that the exterior walls of a Type V building shall be at least ten feet from any party line and Section XIX of the Zoning By-law which requires that there shall be provided for all such buildings a side yard not less than twenty feet in width.

On January 19, 1970, the Inspector of Buildings notified the appellants in writing that a permit for the proposed construction could not be granted for the above-mentioned reasons, and on January 20, 1970, an appeal was taken from such refusal. Thereafter due notice of the appeal was given by mailing and publication.

The appellants both spoke in support of the request at the hearing.

Marion Traub, 18 Brook Street spoke in favor of granting the request, at the hearing.

A petition favoring the request and signed by John Verani, 20 Brook Street, Ellis Traub, 18 Brook Street, Emma Callar, 25 Brook Street and Ruth E. Sullivan, 7 Dexter Road, was submitted at the hearing.

The Planning Board opposed the appeal in its report.

Statement of Facts

The property involved is located within a General-residence District requiring a minimum lot area of 10,000 square feet. The house was built on a lot containing 7,365 square feet, prior to the present area requirement and twenty-foot side yard requirement.

The appellants seek permission to construct a one-car garage 14' x 20' on the southerly side of their dwelling. It will lie 5' from the rear corner and 13' from the front corner of the building to the side lot line which abuts Town of Wellesley Park Land and Fuller Brook. It was stated at the hearing that there is a detached single-car garage at the rear of the property which is too small for a modern car; also access to it is impossible without going over Town of Wellesley property at the rear corner of the house. If the requested permission is granted, the detached garage will be removed. It is the feeling of the appellants that the proposed attached garage not only will correct an existing hardship resulting from having an unusable garage, but will improve the property and the neighborhood.

A plot plan was submitted, drawn by Alex. Crucoli, Chelsea, dated December 26, 1969, which showed the existing dwelling and garage as well as the proposed attached garage.

Decision

The Board has made a careful study of the evidence submitted and has made an inspection of the locus. In its opinion, due to the irregular shape of the lot which has a frontage of 86.75', and narrows down to 22.80' on the rear line, 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 further feels that there is a real need for the proposed attached garage and that manifest injustice will result to the appellants if the requested variance is not granted, and that the Building Code did not contemplate the circumstances of this specific case.

Accordingly, the requested exception and variance are granted and the Inspector of Buildings is authorized to issue a permit for the proposed attached garage as shown on the plan submitted and on file with this Board subject to the following condition:

1. That the existing detached garage shall be removed from the premises prior to the erection of the new garage.


Richard O. Aldrich


Dana T. Lowell


F. Nester Fraser

Filed with Town Clerk 3/2/70

1970 MAR 5 10:03 AM
МЕГГЕСГЕЛ' МҮЭГ.
ТОВИ СГЕБК.С ОФФИС
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PLAN OF LAND

1" = 20'

WELLESLEY, MASS.

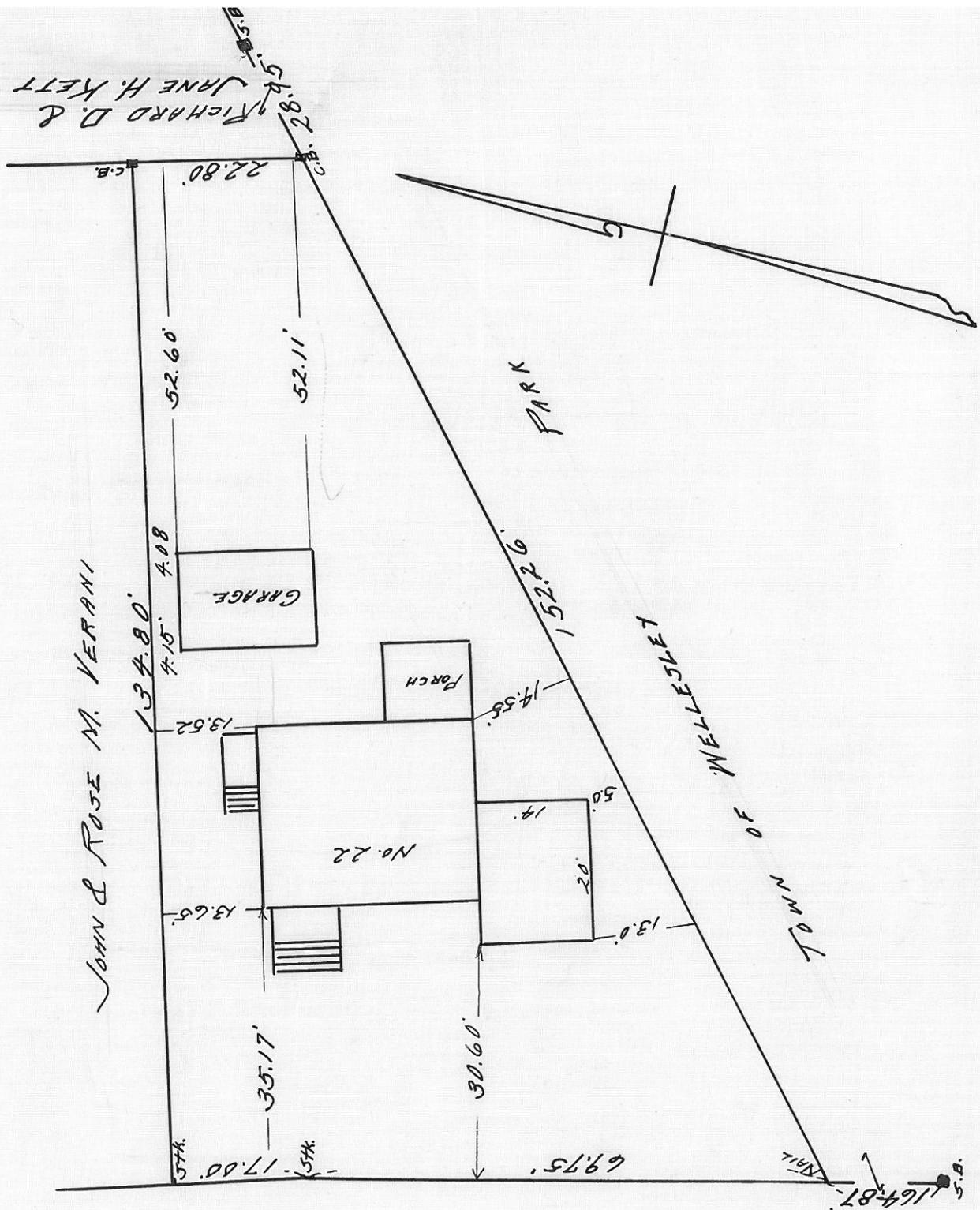
SCALE 1" = 20' DEC. 26, 1969.

SURVEYOR: ALEX. CRUCIOLI
57 WINTHROP ROAD
CHELSEA, MASS.



STREET

BROOK



RICHARD D. & JANE H. KETT

JOHN & ROSE M. VERRANI

GARAGE

Porch

No. 22

PARK

TOWN OF WELLESLEY

164-87-5.8