

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Appeal of Catherine G. Walsh

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 8:55 p.m. on February 11, 1971, on the appeal of Catherine G. Walsh, from the refusal of the Inspector of Buildings to issue a permit to her to construct an attached garage on the side of her dwelling at 8 Crescent Street. The reason for such refusal is 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 25, 1971, the Inspector of Buildings notified the appellant in writing that a permit for the proposed construction could not be granted for the above-mentioned reasons, and on the same date an appeal was taken from such refusal. Thereafter due notice of the hearing was given by mailing and publication.

Nicholas B. Scutter, attorney, represented the appellant at the hearing.

The following persons spoke in favor of the request: Robert J. Burke, 56 Washington Street, Joseph L. and Mary H. Zaruba, 66 Washington Street.

No objections were made to the request.

Statement of Facts

The property involved is located within a Single-residence District requiring a minimum lot area of 10,000 square feet. The house was built on a lot containing 9,382 square feet, prior to the present area requirement and prior to the present side yard requirement of twenty feet.

The appellant seeks permission to construct a two-car garage 21' x 25' on the southerly side of her dwelling, and if built, will lie 9.05' from the lot side line at the nearest point.

Appellant's attorney pointed out at the hearing that two cars are presently parked in the driveway and that the proposed garage would provide protection as well as greatly enhance the neighborhood. He further pointed out that it would not be practical to construct the garage on the northerly side of the dwelling, where there is more space, because of a water problem on that side of the house and the garage would be subject to flooding. Also there would be several windows blocked which would destroy lighting within the house. The house on the adjoining lot is twenty feet from the boundary line so that there should be ample space between building it was alleged.

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A plot plan was submitted, drawn by Alex. Crucicoli, Chelsea, Mass., dated January 9, 1971, which showed the dwelling on the lot as well as the proposed garage.

Decision

It is the opinion of this Board that a real need exists for the proposed two-car garage which the desired addition will provide, and upon examination of the locus, the proposed location appears to be the most practical place for it. The Board has taken into consideration the fact that an addition can be constructed on the northerly side, without an exception, but it feels because of the water condition on that side as well as the necessity to block several windows, the proposed location will prove more advantageous. The lot was held of record on April 1, 1940 under separate and distinct ownership from adjacent lots, and it is the opinion of the Board that 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 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 finds that manifest injustice would result to the appellant if the requested variance is not granted and that the provisions of the Building Code did not contemplate the circumstances of this specific case.

It is, therefore, the unanimous opinion of this Board that the requested variance and exception will not injure the neighborhood and permission is granted for the proposed attached two-car garage in accordance with the plan submitted and on file with this Board.

Philip H. R. Cahill
Philip H. R. Cahill

Dana T. Lowell
Dana T. Lowell

F. Lester Fraser
F. Lester Fraser

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PLAN OF LAND
IN
WELLESLEY, MASS.

Scale: 1" = 40' Jan. 9, 1971.

SURVEYOR Alex. Crucoli
57 Winthrop Rd.
Chelsea, Mass.

WASHINGTON ST

ST

(40')

CRESCENT

146.00

100.00

35'

98.70

9,382 s.f.

Henry J and Mary E Burke

33'

31'

100.01

38'

1762

Gar.

25'

9.05

9.67

1523

15' Drain Easement

R=213'

29'

88.94

14.34

20.35

43.70

52.8

52.8

S.B.

Spivack Brothers Co. Inc.

WASHINGTON

COURT



Francis J & Alice V Timmons