



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
 TELEPHONE
 235-1664

Petition of Albert 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 8:40 p.m. on March 25, 1971, on the petition of Albert and Marion Rae Auburn, requesting an exception from the terms of Section XIX of the Zoning By-law which will permit them to construct a breezeway and garage on the side of their dwelling at 33 Avon Road with a side yard less than the required twenty feet.

On March 9, 1971, 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. On the lot which contains 6,983 square feet, there is a single-family dwelling and a single-car detached garage. The dwelling was built in 1928, prior to the zoning by-laws requiring a minimum lot area and yard regulations.

The petitioners seek permission to construct a breezeway 8' x 10.9' and a two-car attached garage 22' x 24' on the northeasterly side of their dwelling. It was stated at the hearing that the existing detached garage is inadequate in size to accommodate a modern car and is badly in need of repair. In July of 1970, the Board of Appeal granted an exception to the petitioners to enlarge the existing garage, but upon further consideration, the petitioners feel that the new proposal to construct an attached garage and breezeway will not only prove more beneficial to them but will be more attractive to the neighborhood. If permission is granted, the detached garage will be removed.

A plot plan was submitted, drawn by Alex. Crucioli, Chelsea, Mass., dated September 26, 1970, which showed the existing dwelling and proposed breezeway and garage. Said plan showed the proposed garage to be 10' from the northeasterly lot line rather than the required twenty feet.

Decision

The Board finds that a real need exists for the proposed breezeway and 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.

The house was built prior to the enactment of the present side yard requirement of twenty feet, and the lot was held of record on April 1, 1940 under separate and distinct ownership from adjacent lots. While the lot is rectangular in shape, it is a corner lot which imposes further

restrictions upon the location of buildings and structures on the lot. Therefore, due to the size and shape of the lot, a two-car garage could not be built on the property without encroaching into the side yard.

For these reasons, the Board feels that the proposed breezeway and garage will not prove detrimental to the public good nor injure the neighborhood. It will provide space for two cars which the present garage cannot accommodate and will, in the opinion of this Board, improve the appearance of the neighborhood.

Accordingly, a special exception is granted for the construction of a breezeway and two-car 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 and breezeway subject to the following conditions:

1. 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.
2. That the existing detached garage shall be removed prior to the issuance of a permit for the proposed garage. Provided, however, petitioners may proceed in the alternative under the July 1970 exception.

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Richard O. Aldrich
 Richard O. Aldrich

Elena F. Lowell
 Elena F. Lowell

F. Lester Fraser
 F. Lester Fraser

Filed with Town Clerk _____

PLAN OF LAND
IN
WELLESLEY-MASS
OWNED BY
ALBERT & MARION RAE AUBURN



Scale: 20 feet to an inch
September 26, 1970

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

