

TOWN OF WELLESLEY



MASSACHUSETTS
TOWN CLERK'S OFFICE
WELLESLEY MASS.
22 MAY 1971

BOARD OF APPEAL

17 MA 11 8 00A

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Appeal of David W. and Joan W. Chase

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 June 24, 1971, on the appeal of David W. and Joan W. Chase, from the refusal of the Inspector of Buildings to issue a permit to them to construct an addition on the side of their dwelling at 28 Bay View Road. The reason for such refusal was that said addition 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. Said appeal was made under the provisions of Chapter I, Section 11, of the Building Code and Chapter 40A, Section 15, of the General Laws.

On June 7, 1971, the Inspector of Buildings notified the appellants in writing that their application for a permit had been refused for the above-mentioned reasons, and on June 8, 1971, the appellants took an appeal therefrom. Thereafter due notice of the hearing was given by mailing and publication.

David W. Chase spoke in support of the appeal at the hearing.

The following persons spoke in favor of the request at the hearing: Marion S. Beckwith, 30 Bay View Road, Arthur J. Worth, 24 Bay View Road and Walter J. Love, Jr., 16 Bay View Road.

Statement of Facts

The dwelling involved, which was built in 1941, is located within a single-residence district requiring a minimum lot area of 10,000 square feet.

The appellants seek permission to construct a 4' addition on their existing garage as well as an addition 11' x 22' 10" on the easterly side of the garage. It is their desire to convert their current garage into a playroom and to construct a new garage adjacent to the proposed playroom.

It was stated at the hearing that the appellants have two daughters, who for medical reasons, need a play area as they must not be allowed to play in their bedroom or the basement. The house, it was stated, is the most exposed to the prevailing wind on the street. Other houses have wooded areas behind them to break the wind and are protected by the point of land at Piney Point. The land at the rear drops sharply so that it would not be possible to construct a detached garage at the rear of the dwelling. The appellants feel that if the car were left out exposed to the winter winds, it would be inoperable a great deal of the time.

A plot plan was submitted drawn by MacCarthy Engineering Service, Inc. Natick, Mass. which showed the existing house on the lot as well as the proposed addition. Said plan was dated May 25, 1971, and showed the proposed addition

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to be 8.6' from the easterly side line at the nearest point and 37.1' from Bay View Road.

Decision

The Board has made a careful study of the plans submitted and has taken a view of the locus. The house was built in 1941 on a lot of land which adjoined other land of the same owner on April 1, 1940. This Board, therefore, cannot make a "special exception" under Section XIX of the Zoning By-law as said section authorizes the Board to grant such exceptions only if on April 1, 1940, the lot was owned of record under a separate and distinct ownership from adjacent lots. The Board, however, considered the petition under the provisions of Chapter 40A, Section 15, of the General Laws, and in its opinion, the desired addition is needed and that owing to conditions especially affecting this parcel but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the by-law would involve substantial hardship to the appellants.

The Board is of the further opinion that the construction of the proposed addition as shown on the plan submitted will not change the character and appearance of the immediate neighborhood. It was pointed out that there will be approximately 39' between the proposed addition and the house on the adjacent lot. The Board, therefore, feels that the requested exception may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law, and that manifest injustice may result if the request is denied.

Accordingly, the requested variance is granted and the issuance of a permit for the proposed addition as shown on the plan submitted and on file with this Board is hereby authorized.

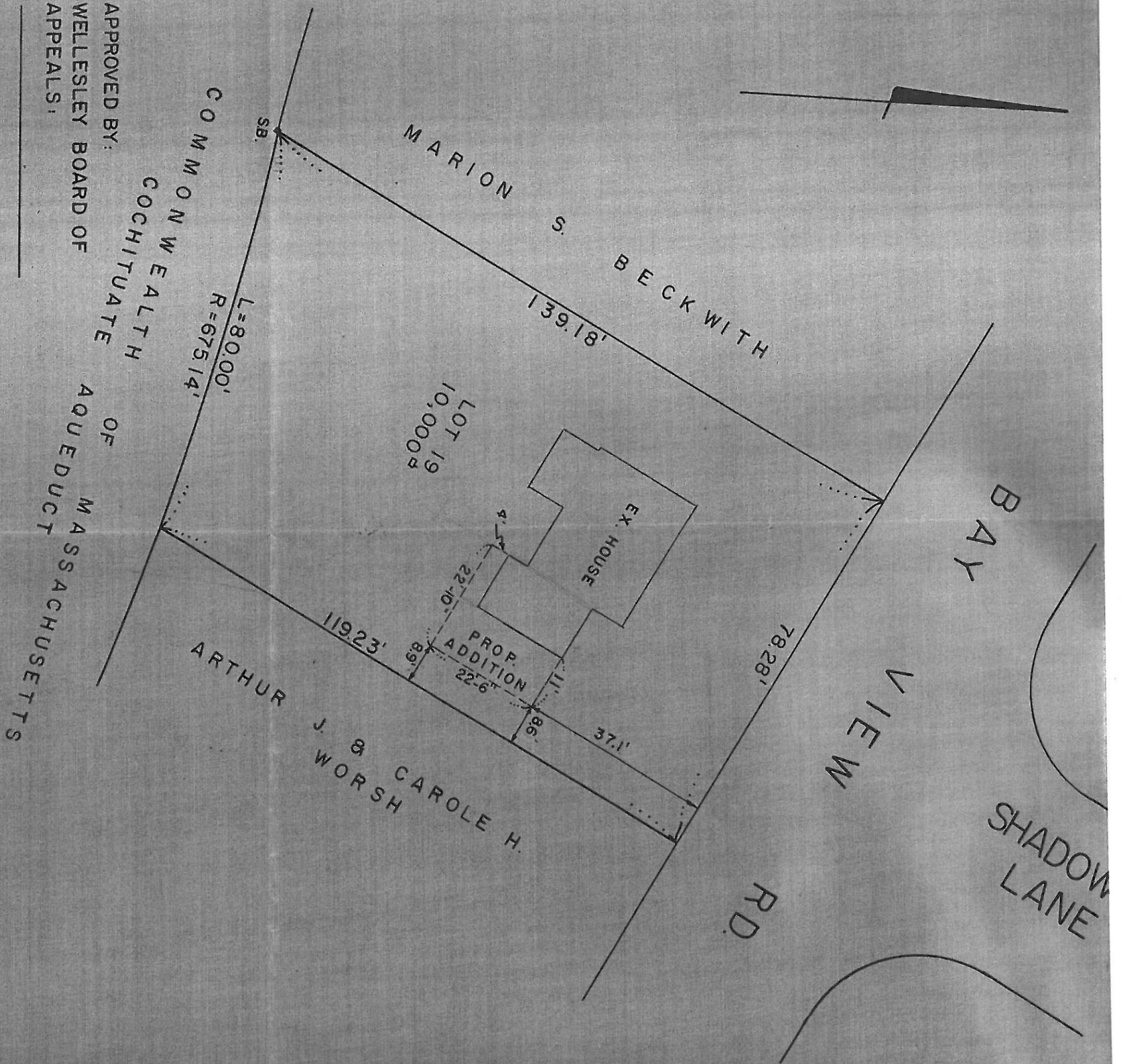
Richard O. Jeter
Richard O. Jeter

Dana T. Lowell
Dana T. Lowell

Robert T. Colburn
Robert T. Colburn

Filed with Town Clerk _____

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APPROVED BY:
 WELLESLEY BOARD OF
 APPEALS:
 COMMONWEALTH
 COCHITUATE
 OF
 MASSACHUSETTS
 AQUEDUCT

DATE: _____

PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY: DAVID W. & JOAN W. CHASE

SCALE: 1" = 20' MAY 25, 1971



JOSEPH R. SULLIVAN
 REGISTERED LAND SURVEYOR

PLAN BY: MAC CARTHY ENGINEERING SERVICE INC.
 NATICK & MARLBOROUGH, MASS.