



72-69

## BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1864

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DEC 11 1972  
JAMES F. BETTS

Petition of James F. and Martha G. Betts

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 December 7, 1972, on the petition of James F. and Martha G. Betts, requesting a variance from the terms of Section XIX of the Zoning By-law which would permit the construction of an addition on the side of their dwelling at 53 Falmouth Road, with a side yard less than the required twenty feet. Said petition was made under the provisions of Chapter 40A, Section 15, of the General Laws.

On November 17, 1972, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

James F. Betts spoke in support of the request at the hearing.

Statement of Facts

The lot involved is located within a Single-residence District requiring a minimum lot area of 30,000 square feet. The total area of the house lot is 42,078 square feet which includes Lots 21H and 22D containing 30,737 square feet within the Town of Wellesley and Lot 21 J containing 11,341 square feet within the Town of Weston. There is a dwelling located on the parcel, all within the Town of Wellesley.

A plot plan was submitted, drawn by Alex Crucioli, Chelsea, Mass., which showed the location of the dwelling on the lot as well as the proposed attached garage. Said plan showed the proposed garage to be approximately 20' x 25' located on the easterly side of the dwelling, 10.70' from the Town of Weston boundary line at the rear, rather than the required twenty feet.

It was explained at the hearing that the petitioners do not have a garage at this time and urgently need one for the protection of their cars. It was further explained that a short time ago, it became necessary to convert their garage into two rooms for Mr. Betts' mother who came to live with them. It was alleged that a hardship exists because of the Town of Weston boundary line bisects the lot and the proposed garage cannot be located in a practical or suitable location unless a variance is granted.

Decision

The Board is unable to find the requirements of Section XIX of the Zoning By-law are met in the instant situation, but it has considered the request under the provisions of Chapter 40A, Section 15, of the General Laws, and unanimously find 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 petitioners.

In 1968, this Board granted a variance, allowing the dwelling involved to be constructed less than the required twenty feet from the Town of Weston boundary line, after it found that due to the excessive amount of ledge on the lot, a house could not be located on the lot and comply with the side yard requirement. It made a condition in its decision, "That the portion of the lot in Weston shall remain under common ownership with the portion in Wellesley."

It is, therefore, the opinion of this Board, because of the location of the dwelling on the lot, there is no other practical location for the desired garage which would comply with the Zoning By-law, and 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.

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

*Richard O. Aldrich*  
Richard O. Aldrich

*Dana T. Lowell*  
Dana T. Lowell

*F. Lester Fraser*  
F. Lester Fraser

Filed with Town Clerk \_\_\_\_\_

APR 18 3 23 PM '33  
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PLAN OF LAND  
IN

**WELLESLEY-MASS.**

Belonging to

J. F. Betts

Scale: 1"=40'

SURVEYOR

October 28, 1972

Alex Crucioi

57 Winthrop Rd.

Chelsea, Mass.



*Alexander Crucioi*

