

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Jerald J. Morganstein and
Sandra Morganstein

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 8:20 p.m. on May 10, 1973, on the petition of Jerald J. Morganstein and Sandra Morganstein, requesting a special exception or variance from the terms of Section XIX of the Zoning By-law which will allow them to construct an addition on the rear of their dwelling at 33 Damien Road with a side yard less than the required twenty feet. Said request was made under the provisions of Section XIX of the Zoning By-law and Chapter 40A, Section 15, of the General Laws.

On March 28, 1973, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Henry D. White, attorney for the petitioners, spoke in support of the petition.

Robert M. Zimmerman, 28 Tennyson Road, spoke in favor of the request.

Letters favoring the request were received from Margaret G. Liff and George Liff, 36 Fiske Road and Mr. and Mrs. Joseph R. DeStefano, 29 Damien Road.

Statement of Facts

The dwelling involved was built in 1934, prior to the effective date of the twenty-foot side yard requirement, and is located within a Single-residence District requiring a minimum lot area of 15,000 square feet.

The petitioners seek permission to construct an addition 19' x 20' on the rear of their dwelling to provide a two-car attached garage. It was stated at the hearing that the house is a two-story dwelling, with a living room, dining room and kitchen with an attached garage on the side of the dwelling. The petitioners have two children and have need for an additional family room. It is proposed to convert the existing garage into a family room and construct a new two-car garage at the rear of the dwelling. The proposed addition, it was stated, will be 12.2' from the northerly side line and will not encroach any closer to the boundary line than the existing house, but will merely extend the existing line of the house. It was pointed out that the addition, if built, will not be visible from the street, but will affect only the abutting property owner on the northerly side who has submitted a letter of approval.

A plot plan was submitted, drawn by Alexander Crucoli, Land Surveyor, dated January 1, 1973, which showed the existing dwelling on the lot as well as the proposed addition. Said plan showed the existing house as well as the proposed addition to be 12.2' from the northerly side line.

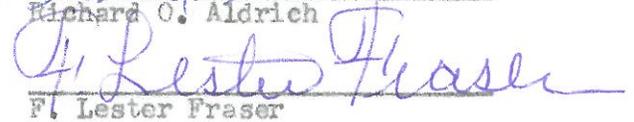
Decision

The Board has made a careful study of the facts in this case and has taken a view of the locus. It is the opinion of this Board that a real need exists for the addition requested and that the proposed construction will not reduce the value of any property within the district or otherwise injure the neighborhood.

The house involved is located approximately in the center of the lot, 12.2' from the northerly side lot line and 17.7' from the southerly side lot line. The lot is 95' x 150' which makes compliance with the requirements of Section XIX of the Zoning By-law impracticable because of its width and shape. It was held of record on April 1, 1940, under a separate and distinct ownership from adjacent lots. Therefore, the facts in this case meet the criteria required for this Board to find under the provisions of Section XIX of the Zoning By-law.

Accordingly, the requested exception is granted and the issuance of a permit for the proposed addition in accordance with the plans submitted and on file with this Board is hereby authorized.


Richard O. Aldrich


F. Lester Fraser


Stanley J. Glad

Filed with Town Clerk _____

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RECEIVED
TOWN CLERK'S OFFICE

PLAN OF LAND
IN

WELLESLEY - MASS.

Belonging to

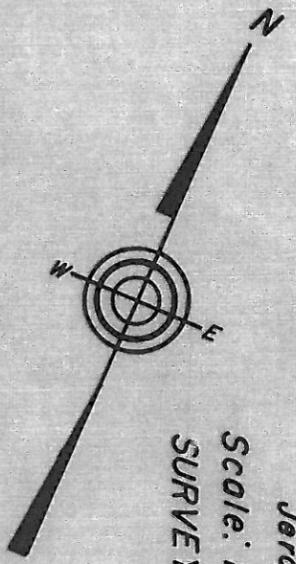
Jerrold J. & Sandra Morganstein

Scale: 1" = 40'

SURVEYOR

JAN. 1, 1973

Alex Crucio!
57 Winthrop Rd.
Chelsea, Mass.



DAMIEN ROAD (40.00 WIDE)

RD.

FISKE

Joseph R. & Judith DeStefano

Elias P. & Edna V. Currier

George & Margaret Liff

14250 S.F.



Alexander Crucio!