

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 Charles D. Wood

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 8:05 p.m. on June 21, 1973, on the petition of Charles D. Wood, requesting a special exception from the terms of Section XIX of the Zoning By-law which will permit him to construct an attached swimming pool on the side of his dwelling at No. 37 Kimlo Road with a side yard less than thirty feet.

On June 5, 1973, the petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

The petitioner spoke in support of the petition at the hearing.

Statement of Facts

The house involved which was built over fifty years ago, prior to the enactment of the Zoning By-law requiring a thirty-foot side yard, is located within a single-residence district requiring a minimum lot area of 10,000 square feet.

The petitioner seeks permission to construct a swimming pool which will be enclosed and attached to his dwelling on the northerly side. The proposed pool will be 28' x 28' and will be 22.8' from Worcester Street and approximately 25' from the easterly side line. It was stated at the hearing that due to the terrain of the land, the proposed location of the pool is not only the most practical for the petitioner, but also the most advantageous for the neighborhood. The lot has a large amount of ledge on one side and is heavily screened by trees on the remaining sides so that the proposed pool, if constructed, will not be visible from Worcester Street or from the neighboring properties.

A plot plan was submitted, drawn by Alexander Crucioni, Land Surveyor, which showed the existing dwelling on the lot as well as the proposed swimming pool. Said plan showed the location of the dwelling to be on the southeasterly side of the lot, 17' from the lot line on the southerly side and 9.17' from the lot line on the easterly side, with the lot containing 19,085 square feet.

Decision

The Board finds that 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 restriction of that section. While the lot is large, it is irregular in shape, and due to the location of the house on the lot, compliance with the side yard requirement of Section XIX of the Zoning By-law is impracticable because of its size and shape. The lot was held of record on April 1, 1940, under separate and distinct ownership from adjacent lots.

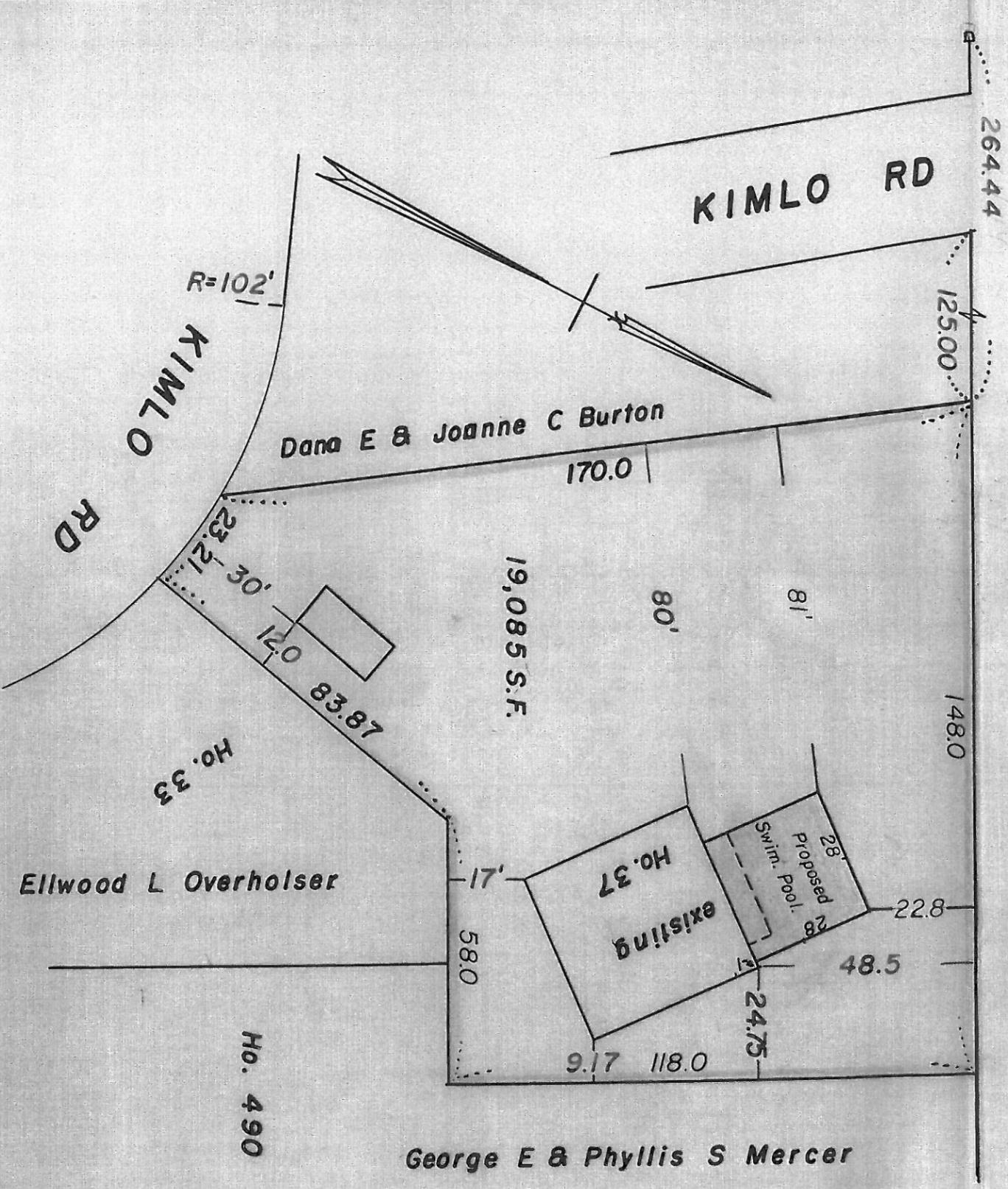
After viewing the locus, it is the opinion of this Board that the proposed swimming pool in the location desired, will not reduce the value of any property within the district or otherwise injure the neighborhood.

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

Richard O. Aldrich
Richard O. Aldrich
F. Lester Fraser
F. Lester Fraser
William O. Hewett
William O. Hewett

Filed with Town Clerk _____

NOV 5 10 22 AM '13
REGISTERED
TOWN CLERK'S OFFICE
GREENSBORO



WORCESTER

ST.

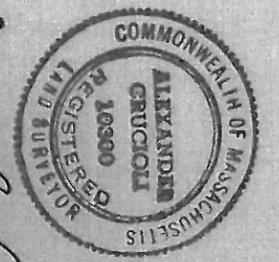
WELLESLEY - MASS.

PLAN OF LAND
IN

Belonging to
Charles D Wood

Scale: 1" = 30'
SURVEYOR
May 26, 1973.
Alex Crucioni
57 Winthrop Rd.
Chelsea, Mass.

Alexander Crucioni



Ho. 490

George E & Phyllis S Mercer

Ellwood L Overholser

Ho. 33

19,085 S.F.

Dana E & Joanne C Burton

R=102'

KIMLO RD

KIMLO RD

264.44

125.00

148.0

228

48.5

24.75

9.17

118.0

58.0

17'

120

83.87

23.21

30'

170.0

80'

81'

B