



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Petition of John F. and Justine F. Crowley

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 8:15 p.m. on June 21, 1973, on the petition of John F. and Justine F. Crowley, requesting a variance from the terms of Section XIX of the Zoning By-law which will permit them to construct an addition on the side of their dwelling at 32 Upson Road with a side yard less than the required twenty feet. Said request was made under the provisions of Chapter 40A, Section 15, of the General Laws.

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

John F. Crowley spoke in support of the petition at the hearing.

Statement of Facts

The house involved was built in 1964, on a lot of land which was not held under separate and distinct ownership from adjacent lots on April 1, 1940, and is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The petitioners seek permission to construct an addition 15' x 24' on the northerly side of their dwelling which is designed to provide a bedroom and bathroom. The room is needed, it was stated by Mr. Crowley, for his growing family. He explained that he has tried to purchase a larger house comparable to his own at a sum commensurate with his income; has tried to purchase adjoining property from his neighbor and has had professional help to design an addition upward instead of outward. The proposed addition, however, appears to be the most practical way to accomplish his needs. He further explain that, in his opinion, his lot is unique in that it is bounded by lots on an adjoining street and the dwellings on such lots are so positioned on their respective lots that even if additions were added, they would be a great distance from his lot lines. In his opinion, the proposed addition to his dwelling, will in no way detract from his house or from neighboring properties.

Decision

The Board has made a careful study of all the facts in this case, and has taken a view of the locus. While the Board cannot find that the conditions exist which the Board must find to consider the petition under the provisions of Section XIX of the Zoning By-law, as the lot was not held under separate and distinct ownership from adjacent lots on April 1, 1940, it has, however, considered it under the provisions of Chapter 40A, Section 15, of the General Laws.

RECEIVED

It is the opinion of this Board that the desired addition is needed for the petitioners' family 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. There will be approximately 60' between the proposed addition and the rear of the house on the adjacent lot which faces on another street and due to the location of the house on the lot, there is no other practical place for the addition.

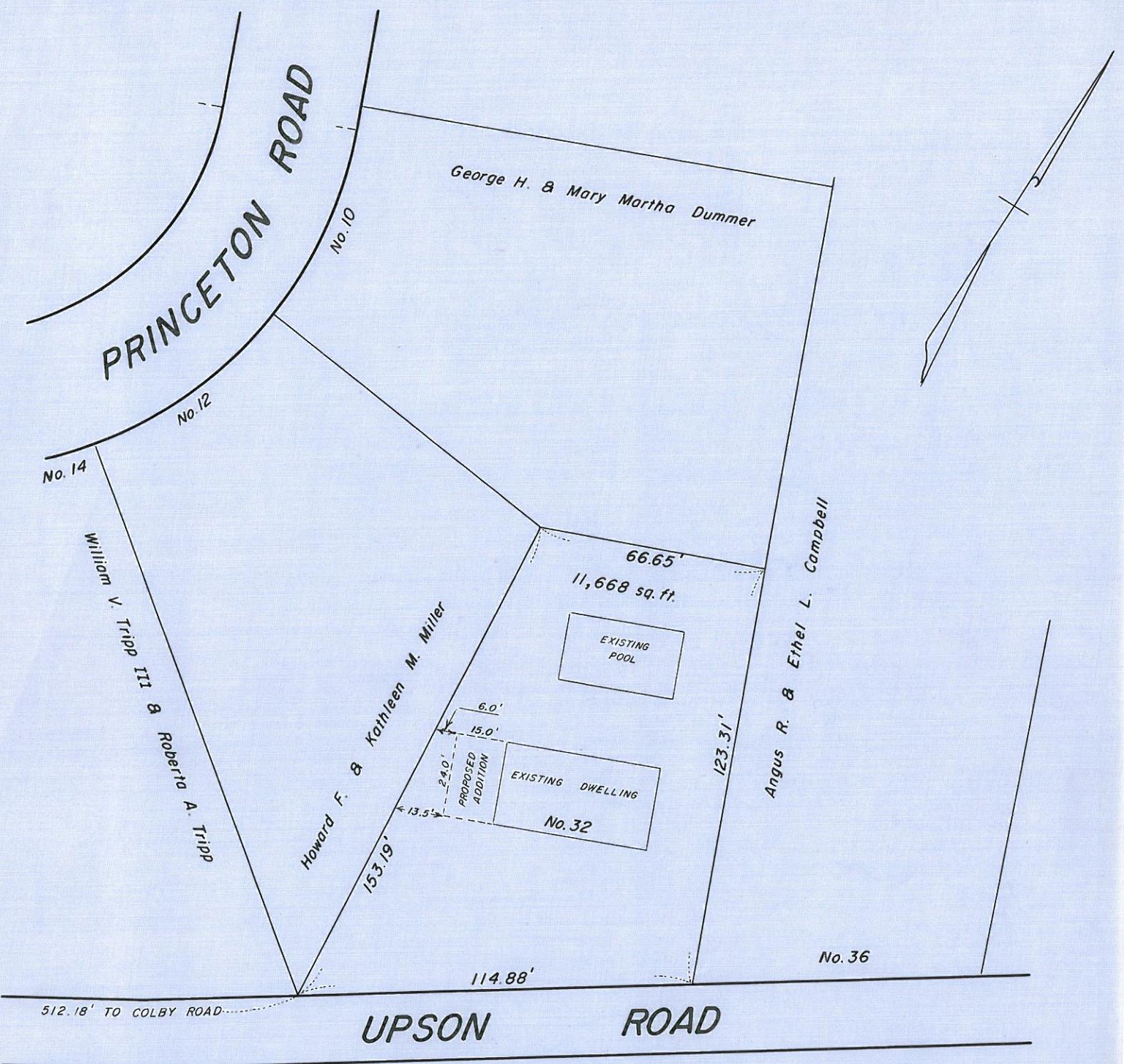
The Board, therefore, feels that the criteria required to grant a variance are met and that the requested variance may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law, and that undue hardship 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. Aldrich  
  
F. Lester Fraser  
  
William O. Hewett

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

MAR 5 10 20 AM '33  
RECEIVED  
TOWN CLERK'S OFFICE



PLAN OF LAND  
 IN  
**WELLESLEY, MASS.**  
 OWNED BY  
**JOHN F. & JUSTINE F. CROWLEY**  
 Scale 40 feet to an inch  
 April 11, 1973  
 Gleason Engineering Company