

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

RICHARD O. ALDRICH
F. LESTER FRASER
WILLIAM O. HEWETT

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of George G. Rhinehart

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 8:10 p.m. on October 4, 1973, on the petition of George G. Rhinehart, requesting a variance from the terms of Section XIX of the Zoning By-law which will allow the construction of an addition on the side of his dwelling at #6 Auburn Road with a side yard less than the required twenty feet. Said request is made under the provisions of Chapter 40A, Section 15, of the General Laws.

On September 4, 1973, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

George G. Rhinehart spoke in support of the request at the hearing.

Letters favoring the request were received from David L. Sargent, 10 Auburn Road and Harold C. Jr. and Carol B. Knapp, 7 Auburn Road.

A letter opposing the granting of the request was received from Mrs. Daniel P. Steiger, 43 Northgate Road.

Statement of Facts

The dwelling involved is located within a Single-residence District requiring a minimum lot area of 10,000 square feet. It was built in 1953 on a lot containing 10,000 square feet, located approximately 23' from both side lot lines.

The petitioner seeks permission to extend his existing attached garage ten feet in an easterly direction in order to provide a two-car garage. The petitioner has two cars and presently has to keep both cars in the driveway because the existing garage is too small to accommodate a modern car.

A plot plan was submitted, drawn by Charles D. Thompson, Land Surveyor, Newtonville, Mass., which showed the existing dwelling on the lot as well as the proposed addition. Said plan showed the addition to be 10' x 20'2", located on the easterly side of the house 12'7" from the side boundary line.

Decision

The Board has made a careful study of the facts and has taken a view of the locus. The house was built in 1953 on a lot which adjoined other land of the same owner in 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 General Laws, Chapter 40A, Section 15, and in its opinion a literal enforcement of Section XIX of the Zoning By-law would cause a substantial hardship to the petitioner which

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can be avoided without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of said Section.

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. The existing garage cannot accommodate an average car and by allowing the proposed addition, it will provide space for the petitioner's two cars which otherwise have to be parked in the driveway. The house on the adjacent lot is approximately 26' from the lot line involved, therefore, there will be approximately 39' between the proposed addition and the house on the adjacent lot. The Board, therefore, feels, although the two houses will be slightly under the required distance apart, it will not prove detrimental to the neighborhood, 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 petitioner.

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.

Theodore C. Merio

Theodore C. Merio

F. Lester Fraser

F. Lester Fraser

William O. Hewett

William O. Hewett

Filed with Town Clerk _____

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PLAN OF LAND
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SCALE: 1 IN = 20 FT JUNE 18, 1973
EVERETT M. BROOKS CO. CIVIL ENG'RS.
NEWTONVILLE & WAYLAND MASS.



Charles D. Thompson

