

73-51

TOWN OF WELLESLEY



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BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Appeal of Alfred J. Perani, Jr.

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 8:30 p.m. on November 29, 1973, on the appeal of Alfred J. Perani, Jr., from the refusal of the Inspector of Buildings to issue a permit to him for the construction of an addition on the side of the dwelling at No. 31 Brook Street. The reason for such refusal was that said addition would violate Section 311.6, Location of Buildings, of the BOCA Basic Building Code of Wellesley which requires that all such buildings shall be placed at least thirty feet from the side line of any public or private street and that all Type IV buildings shall be placed at least fifty feet from the center line of any public or private street, and Section XIX of the Zoning By-law which requires that yards next to the streets shall be at least thirty feet in width, and at least twenty feet from the side boundary line.

On October 31, 1973, the Inspector of Buildings notified the appellant in writing that his application for a permit had been refused for the above-mentioned reasons, and on the same date, the appellant took an appeal therefrom. Thereafter due notice of the hearing was given by mailing and publication.

The appellant spoke in support of the appeal at the hearing.

Statement of Facts

The house involved was built prior to the effective date of the above-mentioned by-laws, on a lot containing 16,751 square feet, and is within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The appellant seeks permission to construct an attached two-car garage 20' x 20' on the southwesterly side of his dwelling. The lot is located on the corner of Brook Street and Hampden Street, which imposes greater restrictions with respect to the setback requirements from the street lines and the lot lines. The proposed garage is designed to be attached to the dwelling on the Hampden Street side, with the garage continuing the existing line of the dwelling which is 19.2' from the side lot line rather than the required 20', and 24.6' from Hampden Street, rather than the required thirty feet. The nearest point of the existing house is 26.3' from Hampden Street. The appellant stated that the proposed location appears to be the most practical place for a garage to be constructed, with the least encroachment possible. The only other possible location would be on the northwesterly side of the lot where it would be necessary to remove a large shade tree.

A plot plan was submitted, drawn by Alfred Gargaro, Land Surveyor, dated October 24, 1973, which showed the existing dwelling on the lot as well as the proposed garage.

Decision  
TOWN CLERK'S OFFICE  
APR 11 1939

The Board has made a careful study of the plans submitted and has taken a view of the locus. In its opinion, there is a real need for the proposed two-car garage which the petitioner has requested, and the facts 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 and front yard restrictions of that section.

While the lot contains 16,751 square feet, the house on it is large and so situated that it would not be possible to construct a garage anywhere on the property and comply with the setback requirements. Because of the higher restrictions placed upon the appellant's lot by both the Zoning By-law and the Building Code by virtue of its corner location, the construction of any adequate type garage other than that proposed by the appellant would be extremely difficult and impractical. Therefore, it is the opinion of this Board that compliance with the side yard requirement of twenty feet and the required setback from the street line of thirty feet, is impracticable if an appropriate garage is to be built, because of the width and shape of the lot and the location of the dwelling on it. The lot was held under a separate and distinct ownership from adjacent lots on April 1, 1939.

The Board, therefore, feels that the requested exceptions may be granted without detriment to the neighborhood and that manifest injustice would result to the appellant if the requested exceptions are not granted. It is the further feeling of the Board that the Building Code did not contemplate the circumstances of this specific case which involves only a very slight encroachment into the front yard and a continuation of the existing house line on the side.

Accordingly, the request is granted and the issuance of a permit for the proposed garage to be attached to the house as shown on the plan submitted and on file with this Board is hereby authorized.

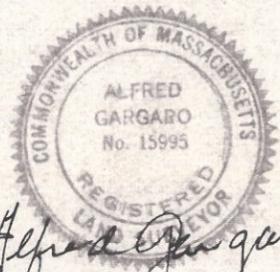
Theodore C. Merlo  
Theodore C. Merlo  
F. Lester Fraser  
F. Lester Fraser  
William O. Hewett  
William O. Hewett

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

PLAN OF LAND  
in  
WELLESLEY MASS.

Alfred J. Perani  
31 Brook Street

SCALE: 1"=20' OCT. 24, 1973  
Alfred Gargaro - Land Surveyor



*Alfred Gargaro*

