TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

THEODORE C. MERLO
F. LESTER FRASER
WILLIAM O. HEWETT

KATHARINE E. TOY
Administrative Secretary
Telephone
235-1664

Petition of Thomas B. and Shirley H. Furdon

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 May 23, 1974, on the petition of Thomas B. and Shirley H. Furdon, requesting a variance from the terms of Section XIX of the Zoning By-law which will permit the construction of an addition on the rear of the dwelling at 17 Burke Lane, with a side yard less than the required twenty feet. Said petition was made under the provisions of Chapter 40A, Section 15, of the General Laws.

On May 7, 1974, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Thomas B. Furdon spoke in support of the petition at the hearing.

Statement of Facts

The house involved which was built in 1955, on a lot containing 20,690 square feet, 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 15' x 20' on the rear of their dwelling in order to provide a first-floor bedroom. It was explained at the hearing that Mrs. Furdon's mother is coming to live with the petitioners and due to a chronic arthritic condition, it is necessary for her to have a room on the first floor. It was further explained that due to the room arrangement on the first floor as well as the existence of a large tree and a bulkhead at the rear of the house, the location of the proposed addition appears to be the most practical place for it. It was also stated that the lot involved is unique in that it has only a 40' frontage, with the house located on an angle at the rear of the lot. It is the feeling of the petitioners that the proposed addition, if built, will in no way detract from house or from the neighboring properties.

Decision

The Board has made a careful study of the plans submitted and has taken a view of the locus. The house was built in 1955 on a lot of land which adjoined other land of the same owner on April 1, 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 Chapter 40A, Section 15, of the General Laws, and in its opinion, the desired addition is needed 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 petitioners.

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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 Board, therefore, feels that the requested exception may be granted without substantial detriment to the public good and will not nullify or substantially derogate from the intent or purpose of the Zoning By-law.

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.

Henry H. Thayer
Henry H. Thayer

F. Lester Fraser
F. Lester Fraser

Stanley J. Glod
Stanley J. Glod

Filed with Town Clerk 7/2/74

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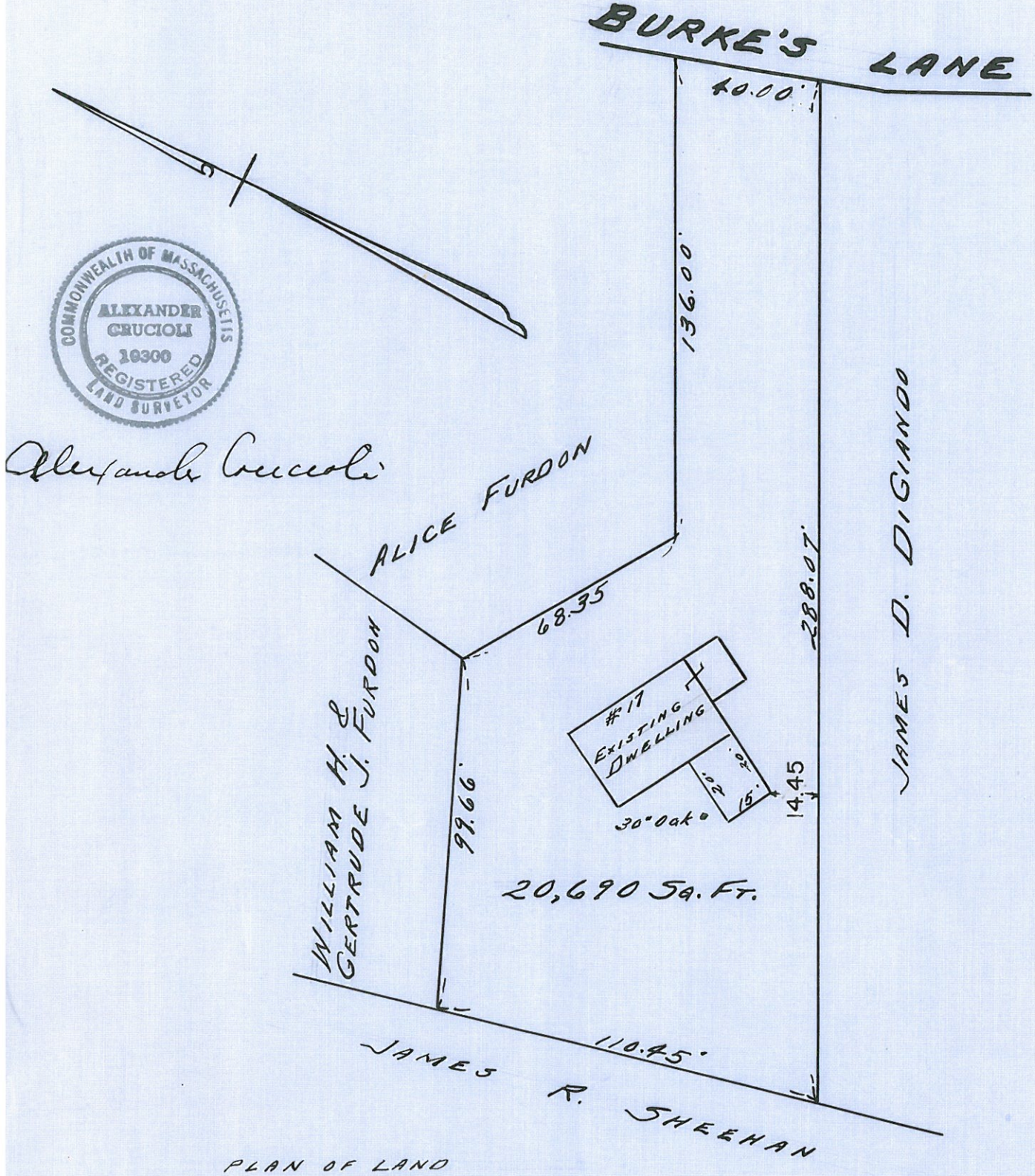

PLAN OF LAND
IN
WELLESLEY, MASS.
OWNED BY
THOMAS B. & SHIRLEY H. FURDON

SCALE 1" = 40' NOV. 30, 1973.
ALEXANDER CRUCIOLI
ACRES ~ ENGINEERS ~ SURVEYORS
6 ABBOTT ROAD
WELLESLEY, MASS.