76-4

TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

F. LESTER FRASER
STANLEY J. GLOD
WILLIAM O. HEWETT
FRANKLIN P. PARKER
FRANCIS L. SWIFT
HENRY H. THAYER

KATHARINE E. TOY
Administrative Secretary
Telephone
235-1664

Petition of John F. and Virginia W. Cloran

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 January 8, 1976, on the petition of John F. and Virginia W. Cloran, requesting a special exception or variance from the terms of Section XIX of the Zoning By-law which will permit the construction of an addition above the existing attached garage on the side of their dwelling at 22 Auburn Road with a side yard less than the required thirty feet. Said request was made under the provisions of Section XIX of the Zoning By-law and Chapter 40A, Section 15, of the General Laws.

On December 22, 1975, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

John F. Cloran spoke in support of the request at the hearing.

The Planning Board in its report opposed the granting of the request.

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 corner lot containing 10,160 square feet. In 1963, the Board of Appeal granted a variance to the petitioners allowing them to construct the attached garage on the side of the dwelling less than the required twenty feet from the side line.

The petitioners now seek permission to construct a room above the garage in order to provide a bedroom and bath for Mr. Cloran's retired sister who is coming to live with the petitioners in the Spring. It was stated that while the house has three bedrooms, one is very small, and inadequate for the petitioners' teenage son or Mr. Cloran's sister. It was explained that the petitioners have lived in the house involved for twenty-two years and recently have been looking for a larger house, but due to housing costs and mortgage rates, they feel a real hardship would result to buy a new home with the additional living space needed.

A plot plan was submitted, drawn by Gleason Engineering Company, dated May 25, 1963, which showed the existing dwelling and attached garage. Said plan showed the garage located on the easterly side of the house, twenty-one feet from Wingate Road at the nearest point, rather than the required thirty feet.

Decision

The Board has made a careful study of the facts submitted 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 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, a literal enforcement of Section XIX of the Zoning By-law would cause a substantial hardship to the petitioners which 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 house is located on a corner where technically it must be set back at least thirty feet from each street line. However, a variance was granted in 1963 for the attached garage to be built, and the proposed addition will merely continue the same line as the existing garage.

In the opinion of this Board, there is a real need for the additional bedroom and bath which the proposed addition will provide and it appears to be the most feasible way to provide it.

In view of the evidence presented, it is the opinion of this Board that a variance can be granted from the terms of Section XIX of the Zoning By-law under the provisions of Chapter 40A, Section 15, of the General Laws.

Accordingly, the request 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 directed.

Francis L. Swift

Francis L. Swift

F. Lester Fraser

F. Lester Fraser

William O. Hewett

William O. Hewett

Filed with the Town Clerk _____

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WELLESLEY, MASS.
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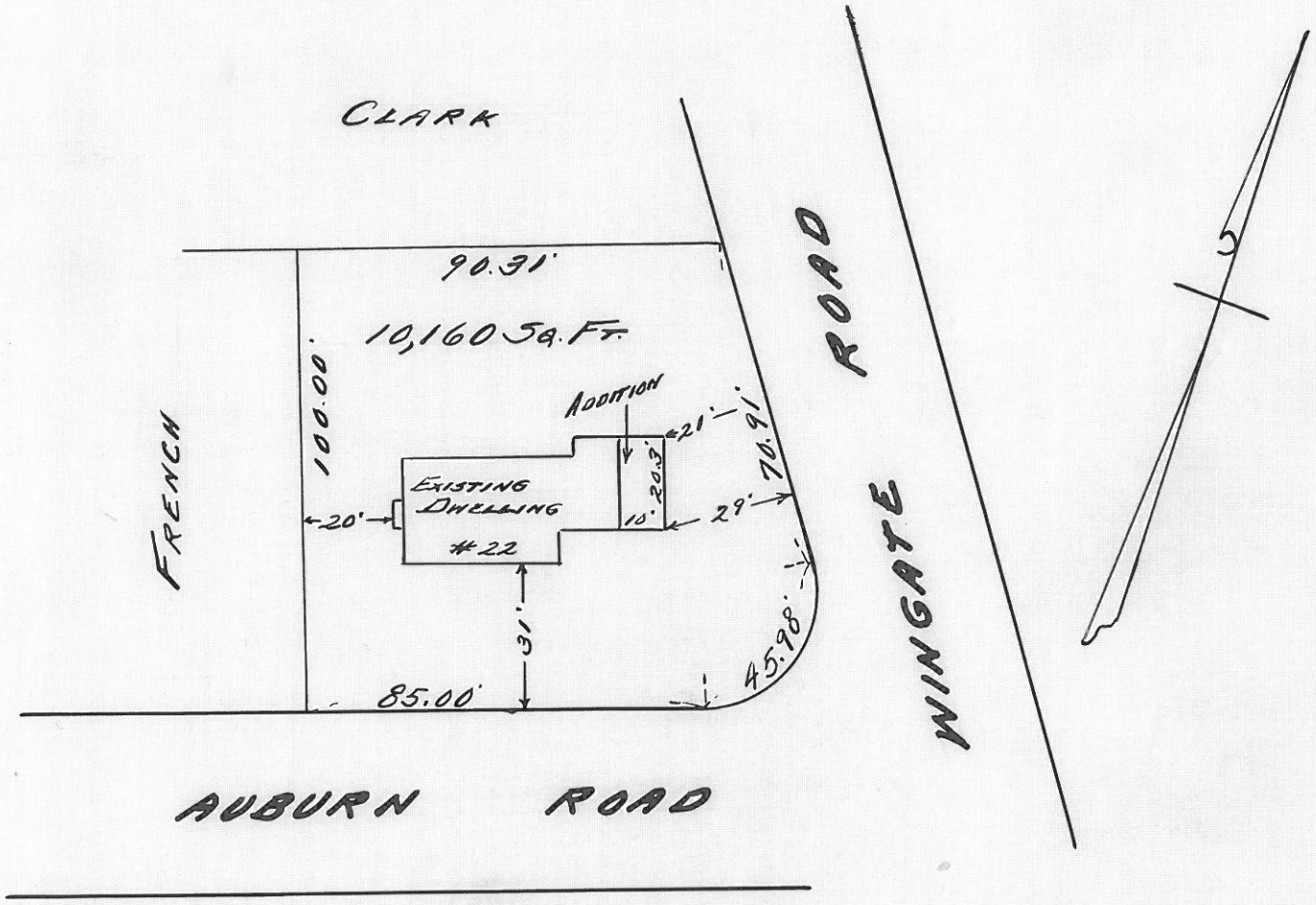
PLAN OF LAND
IN
WELLESLEY, MASS.
OWNED BY
JOHN F. & VIRGINIA M. CLORAN
SCALE 40 FEET TO AN INCH
MAY 25, 1963.
GLEASON ENGINEERING COMPANY