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William E. Polletta

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WELLESLEY, MASS.
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KATHARINE E. TOY
Administrative Secretary
Telephone
235-1664

Petition of Emilio Rotondi

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 8:45 p.m. on November 23, 1976, on the petition of Emilio Rotondi, requesting an exception from the terms of Section XIX of the Zoning By-law which will allow the construction of an addition on the rear of the non-conforming two-family dwelling at 27 Rice Street, with a side yard less than the required twenty feet, as provided under Section XVII B, Non-conforming buildings, of the Zoning By-law.

On November 1, 1976, the petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Theodore C. Merlo, attorney, represented the petitioner at the hearing.

Harry J. Palladino, 29 Rice Street, stated that he is co-owner of the property adjacent to the petitioner's property, and has been there for thirty-six years. There have been problems with the property being occupied as a three-family dwelling in the past, he stated, and if the construction is allowed to be completed as planned, in his opinion, it will bring up a serious problem. For many years the house was occupied as a two-family dwelling and a few years ago a third apartment was established, without the required permission. The petitioner purchased the property recently, he stated, and, in his opinion, should be required to convert the house back to a two-family dwelling.

The Planning Board opposed the request in its report.

Statement of Facts

The house involved is located within a Single-residence District requiring a minimum lot area of 10,000 square feet. While no legal evidence was submitted to establish the dwelling as a legal two-family dwelling, it appears that it was used as such for many years. The house is over fifty years old and was built prior to the adoption of the twenty-foot side yard requirement.

The petitioner seeks permission to extend and enclose an existing porch on the rear of the dwelling. There has been a water problem at that corner of the house, it was stated, and it is felt that it can be corrected by enclosing the open space and extending the roof. The proposed extension, if built, will be only 9.45' from the side lot line, it was stated, and slightly closer than the existing house.

A plot plan was submitted, drawn by Alexander Crucoli, R. L. S., dated October 6, 1976, which showed the existing house on the lot as well as the proposed addition.

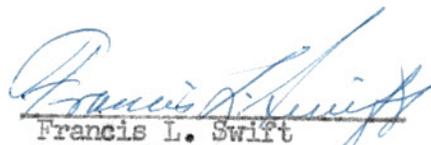
Decision

The Board has made a careful study of the evidence submitted and has taken a view of the locus.

It appears to this Board that a porch enclosure can be added to the rear of the dwelling of usable size, which will comply with the Zoning By-law side yard requirement, therefore, it is the Board's opinion that a real need does not exist for the proposed enclosure. The owner recently purchased the property and should have been aware of the Zoning By-laws of the Town which restrict the setback from the side lot line.

The Board further finds that compliance with the requirements of Section XIX of the Zoning By-law is not impracticable because of the width, depth and shape of the lot. The lot contains 14,869 square feet, is rectangular in shape with a width of 75'. It is the opinion of this Board, therefore, that the facts in this case do not satisfy the conditions set forth in Section XIX of the Zoning By-law on which the Board's authority depends to vary the requirements of the side yard restrictions of the Zoning By-law.

Accordingly, the requested exception is denied and the case dismissed.


Francis L. Swift


F. Lester Fraser


William E. Polletta

Filed with Town Clerk _____

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OFFICE
SEP 19 1 38 PM '11

PLAN OF LAND
IN
WELLESLEY — MASS.

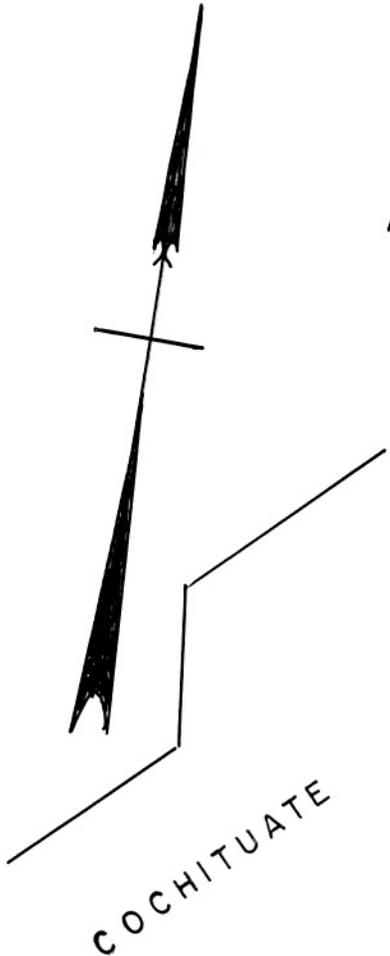
Scale: 1" = 40' October 6, 1976.

SURVEYOR Alex. Crucoli

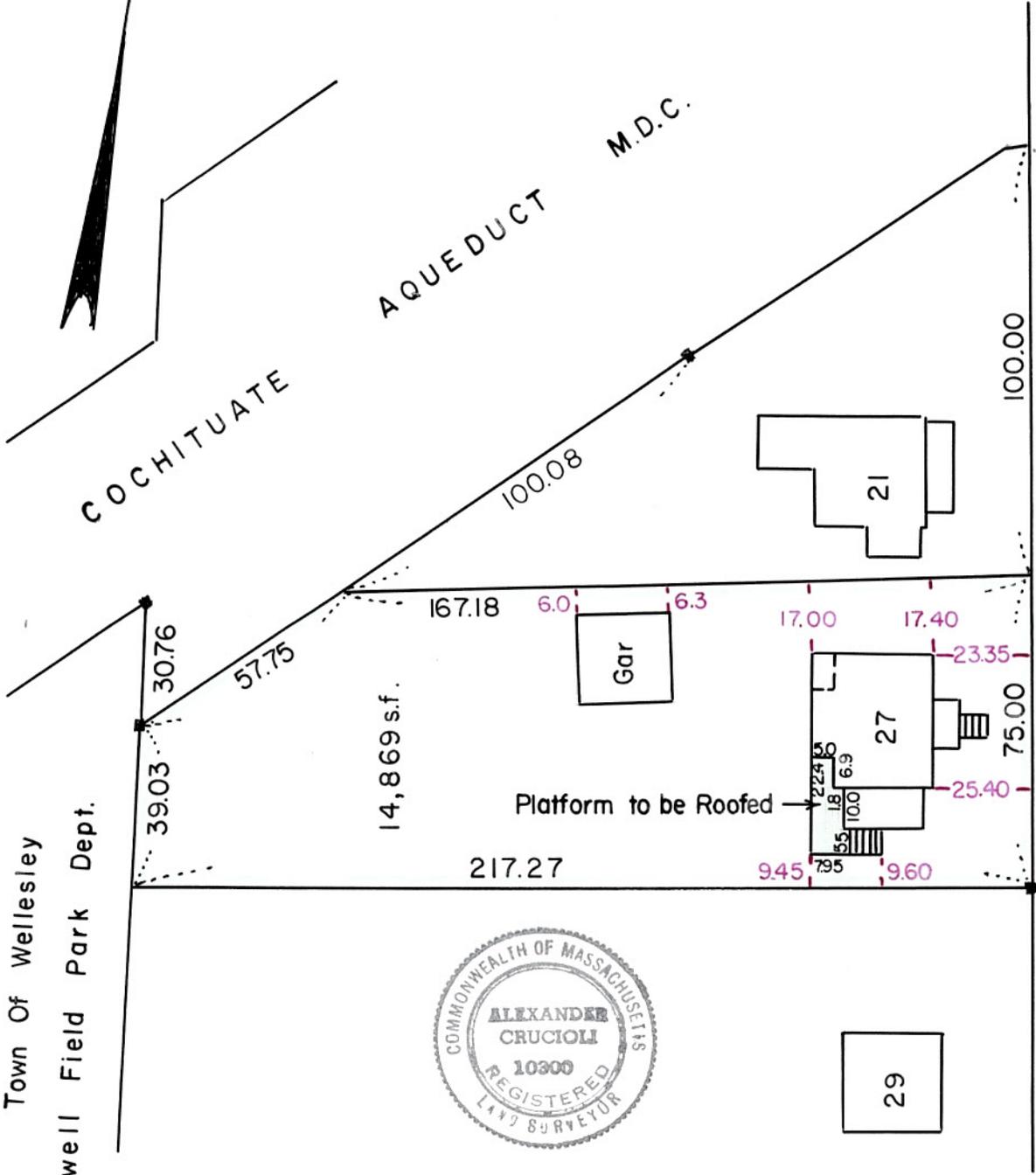
ACRES-ENGINEERS, SURVEYORS, INC.

6 ABBOTT ROAD

WELLESLEY HILLS, MASS.



AQUEDUCT
M.D.C.



ST

(40')

RICE

Town Of Wellesley
Hunnewell Field Park Dept.



We hereby certify that the building shown on this plan is located on the ground as shown thereon and that it conforms to the Zoning and Building Laws of the Town of Wellesley when constructed and to restrictions of