



BOARD OF APPEAL

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

KATHARINE E. TOY
Administrative Secretary
Telephone
235-1664

William E. Polletta

Petition of William D. Donahue

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 February 17, 1977, on the petition of William D. Donahue, requesting a special exception from the terms of Section XIX of the Zoning By-law which will permit the construction of a garage at the rear of the dwelling at 10 Cedar Street with a side yard less than the required thirty feet and a front yard less than the required thirty feet. A further request was made from the terms of Section XIX of the Zoning By-law which would allow the reduction of the existing side yard of the dwelling located on the property to less than the required twenty feet.

On January 31, 1977, the petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Joseph T. Fleming, Jr., Attorney, represented the petitioner at the hearing.

A letter favoring the request was received from Rhoda I. Barker, 16 Cedar Street.

Statement of Facts

The property involved is located within a Single Residence District requiring a minimum lot area of 10,000 square feet. The dwelling and existing garage have been on the property for over fifty years.

The petitioner seeks permission remove the existing garage which is beyond repair, and in its place erect a two-car garage. The proposed garage, it was stated, will be in a slightly different location from the existing garage. It will be placed on an angle so that only one point will be as close to the street as the existing garage.

A plot plan was submitted, drawn by Alfred Gargaro, Land Surveyor, dated November 22, 1976, which showed the proposed garage to be 22.0' x 22.0' located 1.6' from River Ridge at the nearest point and 15.0' from the house.

It was stated that the proposed garage, if built, will be basically in the same location as the old garage due to the topography of the land. There is a sharp drop in the land in the rear of the property which prevents moving the proposed garage back any farther. It was also pointed out that the existing house is only 2.55' back from River Ridge so that except for one corner, the proposed garage will set back a greater distance from the street line than the house.

Decision

It is the unanimous opinion of this Board, after viewing the premises, that the request may be granted. The Board feels that the proposed garage is necessary and will not prove detrimental to the neighborhood, in fact, will be an improvement.

The facts in this case 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 the Zoning By-law. The house and garage were both built prior to the enactment of the yard requirements and the property was held of record on April 1, 1939, under a separate and distinct ownership. While the lot contains 29,126 square feet, and is rectangular in shape, the topography of the lot is such that the proposed location is the only level area on which the garage can be placed. The lot is also a corner lot abutting two streets which requires greater setback restrictions under the Zoning By-law.

The Board, therefore, finds that compliance with the yard restrictions is impracticable because of the width and shape of the lot as well as the topography of the land and the placement of the house on the lot. The Board further finds that there is a real need for the proposed addition and that it will not prove detrimental to the neighborhood nor derogate from the intent and purpose of the by-law.

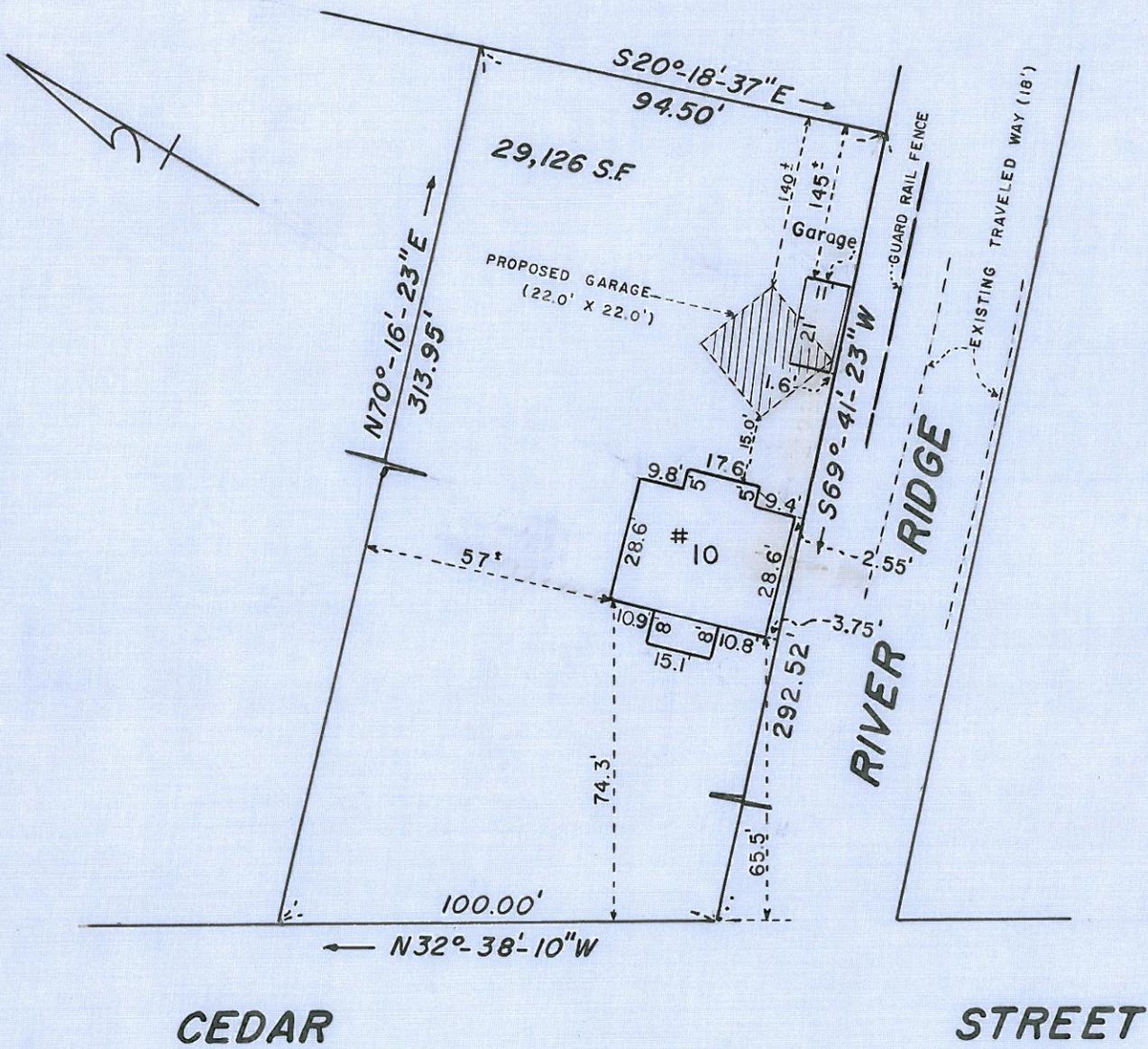
Accordingly, the requested exception is granted and the Building Inspector is authorized to issue a permit for the proposed garage as shown on the plan submitted and on file with this Board.

Francis L. Swift

F. Lester Fraser

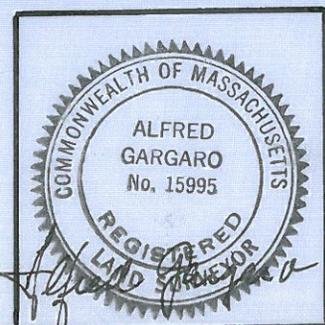
William O. Hewett

Filed with Town Clerk 4/27/21



PLAN of LAND
 in
 WELLESLEY, MASSACHUSETTS
 at
 No. 10 Cedar Street
 owned by
 WILLIAM D. DONAHUE
 Proposed Garage Addition

November 22, 1976
 Alfred Gargaro



Scale: 1" = 40'
 Land Surveyor