

11 Smith Street

TOWN OF WELLESLEY



MASSACHUSETTS

THOMAS M. REYNOLDS, CHAIRMAN
SHERMAN J. L. BROWN
JOHN L. HAYDEN

BOARD OF APPEAL

KATHARINE E. TOY, CLERK
TELEPHONE
WE. 5-1664

Petition of Hamlet H. Collina

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the first floor of the Intermediate Building at 324 Washington Street at 8:30 p.m. on September 20, 1956 on the petition of Hamlet H. Collina for a variance from the terms of Section 9-C of the Zoning By-law which would permit him to maintain a garage less than twenty feet from the side lot line on his premises at 11 Smith Street.

Statement of Facts

On August 9, 1955, the petitioner filed an application in the office of the Inspector of Buildings to construct a shed to shelter his car and on August 18, 1955 a permit was issued for the proposed shed. On July 25, 1956, the Inspector of Buildings notified the petitioner that he had erected a garage without a permit and that it should be removed immediately. On August 17, 1956 the Inspector again notified the petitioner that the garage had been erected in violation of Section 9-C of the Zoning By-law which requires a twenty-foot side yard. On August 27, 1956, the petitioner filed a petition with this Board requesting a variance from Section 9-C of the Zoning By-law which would permit him to maintain his garage less than twenty feet from the side lot line. Thereafter due notice of the hearing was given by mailing and publication.

At the hearing the petitioner was represented by Charles Prombain who submitted a plot plan, drawn by Gleason Engineering Co., dated September, 1956, which showed the location of the dwelling and the attached garage on the lot. Said plan showed the front corner of the garage to be twenty-eight feet from the side lot line and the rear corner to be sixteen feet from the side line. Mr. Prombain stated that through an inadvertent error the petitioner applied for the wrong permit to construct his attached garage. At the time he applied for his permit he had not fully determined just how the shelter would be completed and he at no time intended to violate the by-laws.

The attached garage is an attractive addition to the house, stated Mr. Prombain, and, in his opinion, should not be objectionable to the neighborhood. Due to the way the house is located on the lot, it was the understanding of the petitioner that the corner of the garage in violation was a rear yard rather than a side yard. The house faces a Right-of-Way and the corner in violation is at the rear of the house.

No objections were raised at the hearing to the granting of the requested variance.

The Planning Board offered no objection in its report.

Decision

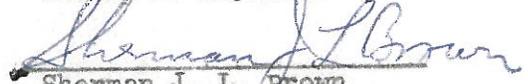
It is the unanimous opinion of the Board that the petitioner

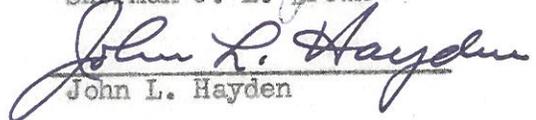
acted in good faith and that the violation of the side yard requirement was due to error. It is the further opinion of the Board that the petitioner did not intentionally falsify the description of the work to be performed when applying for his permit. To correct the violation now would result in unnecessary hardship and expense to the petitioner as the garage has been completed for almost a year. The Board feels that no increased fire hazard will result from the slight violation as the corner in question is over forty feet from the house on the adjoining lot.

It is, therefore, the unanimous opinion of the Board that a variance can be granted without substantial detriment to the public good and without derogating from the intent and purpose of Section 9-C of the Zoning By-law.

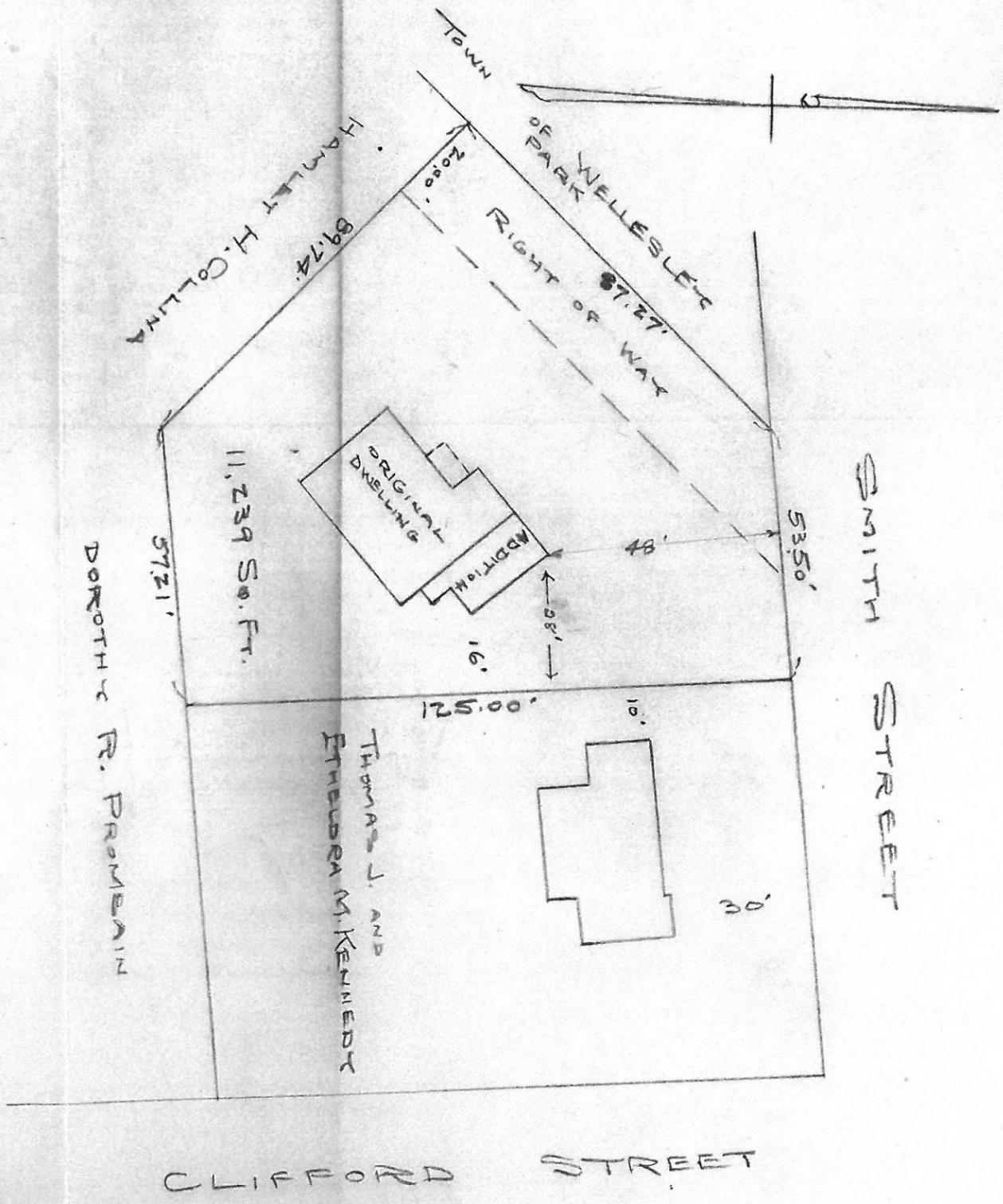
Accordingly, the requested variance is authorized and granted permitting the attached garage to remain in its present location as shown on the plan on file drawn by Gleason Engineering Co., dated September, 1956, and the order of the Inspector of Buildings to remove the garage is annulled.


Thomas M. Reynolds


Sherman J. L. Brown


John L. Hayden

Filed with Town Clerk no/3/56



PROPERTY IN
 WELLESLEY, MASS.
 OWNED BY
 HAMILT H. COLLINA
 DATE 11-30-56
 GLENN ENGINEERING CO.

DOROTHY R. PROMBAIN

THOMAS J. AND
 ETHEL M. KENNEDY

CLIFFORD STREET

SMITH STREET