



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

BOARD OF APPEAL

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

Petition of Richard Magnanti

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 8:35 p.m. on May 2, 1957 on the petition of Richard Magnanti for variances from the terms of Section 9-A and 9-C of the Zoning By-law which would permit him to erect a dwelling on Lot W-1, Roberts Road with a side yard less than the required twenty feet and a lot area less than the required 20,000 square feet.

Statement of Facts

On April 23, 1957 the petitioner filed with this Board his written request for a special exception to said sections and thereafter due notice of the hearing was given by mailing and publication.

At the hearing the petitioner was represented by William R. Gleason, Engineer, who stated that the petitioner recently purchased the lot involved together with the adjacent Lot V-1, and it is his desire to move the boundary line between the two lots in order to make the lots more uniform in shape and more practical for building purposes. The lot involved is one of five lots which were laid out a few years ago and in order to provide the required 20,000 square feet in each lot, it was necessary to divide the lots in a manner which created two irregularly shaped lots. The proposed change in the boundary line will reduce the area of Lot W-1 from 20,806 square feet to 18,060 square feet and will increase the area of the adjacent lot from 20,010 square feet to 22,756 square feet. It will also increase the frontage of Lot V-1 from forty feet to seventy feet, and the lot involved will have a frontage of eighty-five feet. Both lots will then be more uniform in shape.

A plan showing the existing lots as well as the proposed division was submitted. Said plan was made in accordance with Land Court instructions of 1950 and drawn by Gleason Engineering Co., dated April 8, 1957.

The lot involved is on a circle, stated Mr. Gleason, and it is the desire of the petitioner to locate the house on an angle so that it will face the circle rather than to place it parallel to it. The rear corner of the house, however, will be only fifteen feet from the lot line which has been ruled by the Inspector of Buildings as a side lot line requiring twenty feet. Mr. Gleason requested an interpretation of the boundary line by the Board as, in his opinion, the lot line involved is a rear line which would allow the dwelling to be within ten feet of it. If the dwelling can be located as the petitioner desires, stated Mr. Gleason, he proposes to construct a seven-room colonial type house which should enhance the appearance and character of the neighborhood.

Richard Magnanti, owner of the property, stated that it is his desire to erect a house comparable to the other houses in the neighborhood and if the requested variance is granted, his house will be an attractive addition to the neighborhood.

William T. Blackwell, 22 Roberts Road and Mrs. George Cormack, 18 Roberts Road, appeared and examined the plan submitted and offered no objections to the requested variance being granted.

The Planning Board offered no objection in regard to the area regulation request but opposed the request for a variance from the side yard requested variance, stating its opinion that it is unwise to encroach on an easement.

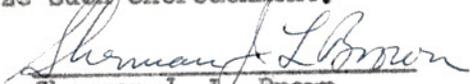
No objections were raised at the hearing to the granting of the requested variance.

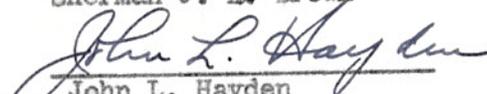
Decision

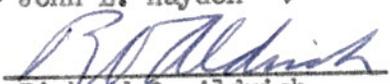
After a careful examination of the plan submitted, it is the unanimous opinion of the Board that the proposed change in the boundary line between Lot W-1 and Lot V-1 will not prove detrimental to the neighborhood nor reduce the value of surrounding properties. The desired revision will provide two lots more uniform in shape and more practical for building purposes. Although there will be a slight reduction in the area of Lot W-1, it is the unanimous opinion of the Board that a literal enforcement of Section 9-A of the Zoning By-law would involve substantial hardship to the petitioner and that a variance with respect to area can be granted without detriment to the public good.

The Board has examined the plan submitted and has given careful study to the meaning and application of Section 9-C of the Zoning By-law with respect to the location of the dwelling on the lot involved. Said section requires that there shall be provided an open space on the same lot between the building and the side line of the lot extending the full width or depth of the building, unoccupied above ground level except by uncovered steps and projecting eaves and not less than twenty feet in width. The house as located on the plan submitted provides a twenty-foot area between the building and the side lot line extending the full depth of the house. It is, therefore, the unanimous opinion of the Board that no exception is required from the requirements of Section 9-C of the Zoning By-law, since the proposed structure presents no violation of said Section.

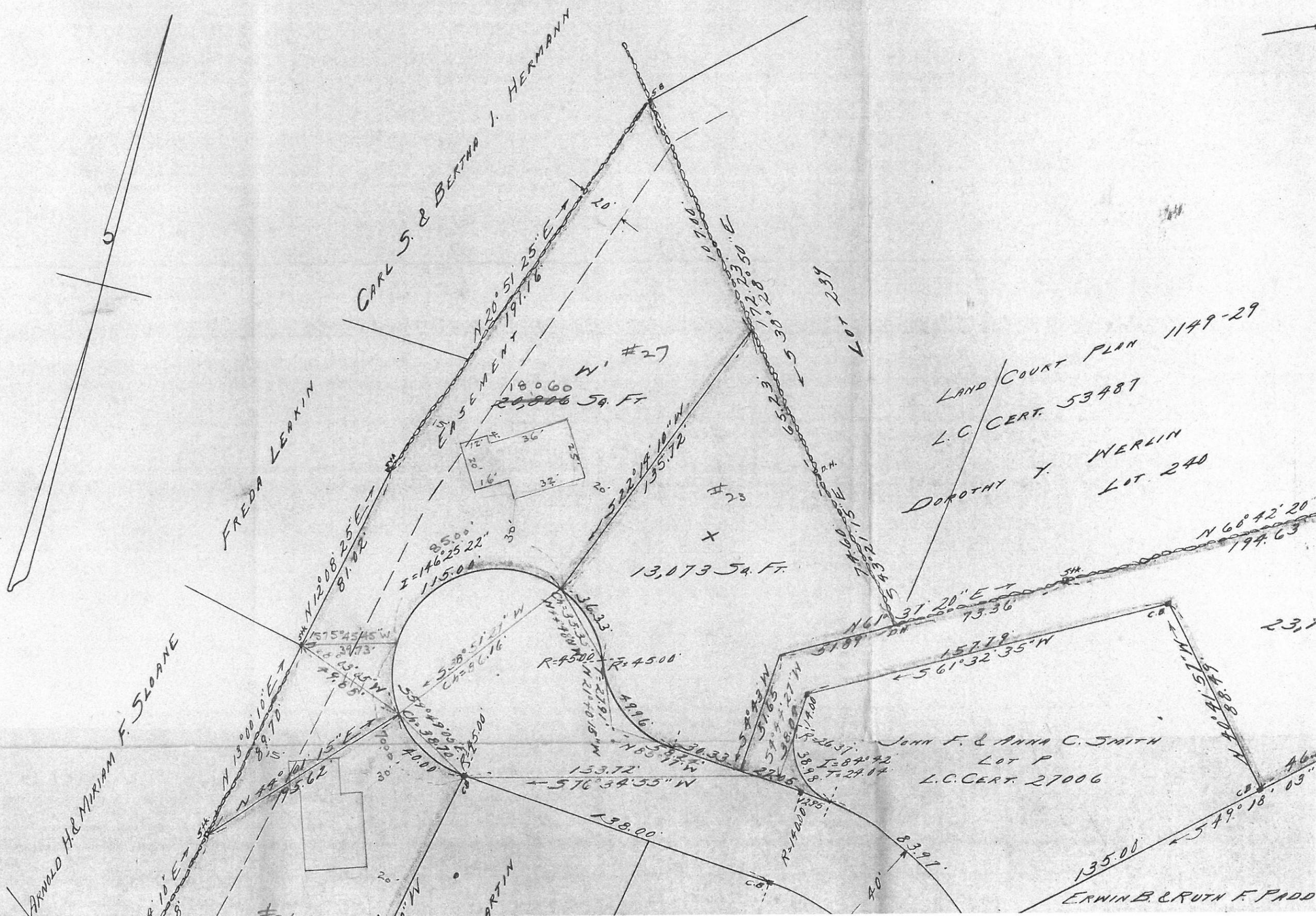
The requested variance from the terms of Section 9-A, Area Regulations, is granted. The Board expresses no opinion on the desirability of encroaching on the easement in question and does not intend by the granting of this variance expressly or impliedly to authorize such encroachment.


Sherman J. L. Brown


John L. Hayden


Richard O. Aldrich

Filed with Town Clerk 6/14/07



CARL S. & BERTHA I. HERMANN

FREDA LEATIN

ARNOLD A. & MIRIAM F. SLOANE

LAND COURT PLAN 1149-29
L.C. CERT. 53487

DOROTHY T. WERLIN
LOT 240

JOHN F. & ANNA C. SMITH
LOT P
L.C. CERT. 27006

ERWIN B. & RUTH F. PADD

EASEMENT
180.60
24,806 59. FT

13,073 54. FT.

R=4500
R=4500

R=2637
R=14000

23.1

46.1