

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL JUL 3 AM 10 52

GARRETT S. HOAG
JOHN L. HAYDEN
DANA T. LOWELL

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

Appeal of Mary C. Marple

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 8:00 p.m. on June 24, 1964, on the appeal of Mary C. Marple from the refusal of the Inspector of Buildings to issue a permit to her to construct an attached garage on the front of her dwelling at 14 Winthrop Road. The reason for such refusal was that said garage would violate Chapter IV, Section 1, of the Building Code which requires that all such buildings shall be placed at least thirty feet from the side line of any public or private street and fifty feet from the center line of any public or private street and Section XIX of the Zoning By-law which requires that there shall be provided for every building or structure a front yard at least thirty feet in depth.

The appellant spoke in support of her appeal at the hearing.

Marjorie Pierce, Architect, explained the reasons for locating the proposed garage in its position.

Paul Shattuck, 8 Winthrop Road, favored the request.

Letters favoring the appeal were received from the following: MacGregor H. Hill, 7 Winthrop Road, Alice M. Locke, 10 Winthrop Road, Emma Heller, 15 Winthrop Road and Paul and Margaret Shattuck, 8 Winthrop Road.

On June 9, 1964, the Inspector of Buildings notified the appellant in writing that a permit for the construction of the proposed garage could not be issued because the same would violate the above-mentioned sections of the Zoning By-law and the Building Code, and on the same date the appellant took an appeal from such refusal. Thereafter due notice of the hearing was given by mailing and publication.

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 1929 on a lot containing 14,536 square feet.

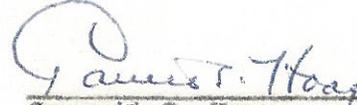
The appellant seeks permission to brick up the opening of the existing garage and replace it by constructing a two-car garage on the front of the house. The existing garage is a tandem type, located below the house approximately ten feet below street level. Due to the sharp drop in the land and the fact that the opening in the garage is only 80", it is virtually impossible to get a car into it, especially during the winter months. It is proposed to fill in the driveway up to street level and construct the garage at that level. Due to the contour of the land it would not be possible to locate it on the side of the dwelling or at any other point without considerable filling in. It was pointed out further that the appellant's car now has to be left on the street and unless permission is granted, great hardship will result.

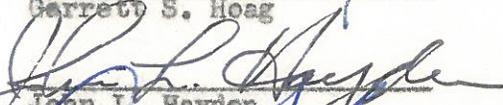
A plot plan was submitted, drawn by Gleason Engineering Company, dated May 8, 1964, which showed the existing dwelling on the lot as well as the proposed garage. Said plan showed the proposed garage to be approximately 22' x 23.5' and located 20.1' from the street line. Architectural plans, drawn by Marjorie Pierce, Weston, were also submitted which showed elevations of the proposed garage.

Decision

The Board feels that the proposed garage will not prove detrimental to the character and appearance of the neighborhood. Because of the contour of the land, the proposed location appears to be the only practical place for it. The setback requirements of Chapter IV, Section 1, of the Building Code do not appear to have contemplated a case such as this. It would be unreasonable to deny the appeal. The Board further finds that 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 front yard restrictions in the Zoning By-law. The Board feels that the appellant should be allowed to have a usable garage and it would be futile to require extensive filling in of the property to have one constructed elsewhere.

Accordingly, the requested exception from the Zoning By-law and variance from the Building Code are authorized and the issuance of a permit by the Building Inspector for a permit to construct the proposed garage in accordance with the plan submitted and on file with this Board is hereby directed.


Garrett S. Hoag


John L. Hayden


Dana T. Lowell

Filed with Town Clerk _____

1964 JUL 3 AM 10:52

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MASS.

PLAN OF LAND
IN
WELLESLEY, MASS.
OWNED BY
MARY C. MARPLE
SCALE 40 FEET TO AN INCH
MAY 8, 1964.
GLEASON ENGINEERING COMPANY

