



BOARD OF APPEAL

RICHARD O. ALDRICH
DANA T. LOWELL
F. LESTER FRASER

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of James McDonald

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 August 17, 1967, on the petition of James McDonald requesting a special exception from the terms of Section XIX of the Zoning By-law which will permit the construction of a dwelling at 103 Manor Avenue with side yards less than the required twenty feet.

On July 10, 1967, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

James McDonald spoke in support of the request at the hearing.

The following persons appeared in opposition to the granting of the request: Evan Pappas, representing Carbon Realty Trust, owners of property at #1 and #3 Sunnyside Avenue, Ronald and Sylvia Lubin, 99 Manor Avenue, Richard and Claire Clair, 105 Manor Avenue and Mabel B. Grome and Andrew Grome, 102 Manor Avenue. All felt that the proposed encroachment into the side yard would result in overcrowding the area and that a dwelling on the lot would prove detrimental to the neighborhood.

Statement of Facts

The lot involved which contains 8,068 square feet is located within a Single-residence District requiring a minimum lot area of 10,000 square feet. The lot, however, was held of record under a separate and distinct ownership from adjacent lots on April 1, 1937, the effective date for an exception within the Zoning By-law, allowing the construction of such buildings on lots containing less than the required area.

The petitioner seeks permission to construct a dwelling 26' x 28', thirty feet back from Manor Avenue, with side yards sixteen feet rather than the required twenty feet. It is proposed to construct a two-story dwelling, with a kitchen, dining room and living room on the first floor and three bedrooms and bath on the second floor. The petitioner felt that the proposed dwelling would be in keeping with the neighborhood and would enhance the area.

A plot plan was submitted, drawn by Edward S. Holland, Civil Engineer, dated June 23, 1967, which showed the proposed location of the dwelling on the lot.

Decision

The Board has made a careful study of all the facts in this case and has taken a view of the locus. In its opinion, the construction of a dwelling on the lot involved, as shown on the plan submitted, would not prove detrimental to the appearance or character of the neighborhood

and that no increased fire hazard would result therefrom. It is the further opinion of the Board that the proposed location of the dwelling is the best available because of the shape of the lot because of its width and irregular shape. The lot was held under separate and distinct ownership on April 1, 1940, from adjacent lots, which is a condition this Board must find before granting an exception.

Upon examination of a plan of the neighborhood, it appears that the area involved has been generally developed by the construction of houses closer to the side lines than required by the Zoning By-law. A number of houses in the neighborhood have side yards less than the required twenty feet and some closer than the side yards requested by the petitioner.

For these reasons, it is the opinion of this Board that the requested exception can be granted under the provisions of Section XIX of the Zoning By-Law.

Accordingly, the requested exception is granted and the issuance of a permit for the proposed dwelling in accordance with the plan submitted and on file with this Board is hereby authorized.

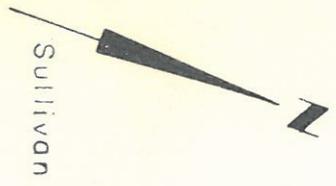
Philip H. R. Cahill
Philip H. R. Cahill

Dana T. Lowell
Dana T. Lowell

F. Lester Fraser
F. Lester Fraser

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WELLESLEY

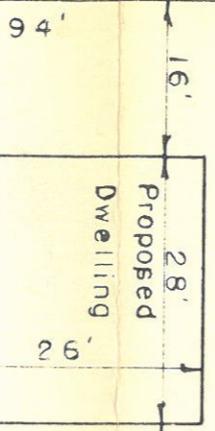
78'

JAMES Q. McDONALD

AREA = 8,068 sq. ft.

Luben

157'



Proposed Dwelling

94'

Cloir

60'

30'

240' to Oakdale Ave. →

40'

MANOR AVENUE

This plan compiled from existing deed information and does not constitute a field survey.

PLAN OF LAND IN WELLESLEY, MASS.

Scale: 1" = 20' June 23, 1967

Edward S. Holland Civil Engineer

