



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Appeal of Joseph W. Gurcan and
Alice E. Gurcan

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 8:05 p.m. on August 17, 1967, on the appeal of Joseph W. Gurcan and Alice E. Gurcan, from the refusal of the Inspector of Buildings to issue a permit for the construction of a dwelling at 12 Wilson Street. The appellants claimed in the alternative either that they had a right to locate their proposed dwelling within ten feet from the southerly line of Hopkinson Street, or that they were entitled to a variance from the requirements of Section XIX of the Zoning By-law, which would permit them to erect a dwelling within ten feet from the southerly sideline of Hopkinson Street. Said appeal was made under the provisions of Chapter 40A, Section 15, of the General Laws.

On July 5, 1967, the Inspector of Buildings notified the appellants in writing that a permit for the proposed dwelling could not be granted as the size of the dwelling differed from the plan approved by the Board of Appeal in its decision dated April 16, 1963. On July 12, 1967, the appellants took an appeal from such refusal and thereafter due notice of the hearing was given by mailing and publication.

John Barr Dolan, attorney represented the appellants at the hearing.

Statement of Facts

The lot involved is located within a Single-residence District requiring a minimum lot area of 10,000 square feet. It is a lot within a resubdivision which was certified by the Planning Board on June 4, 1959 that, "Approval under the Subdivision Control Law not required." The lot is a corner lot and contains 10,473 square feet.

The appellants seek permission to construct a dwelling within ten feet of the sideline of Hopkinson Street, a paper street which adjoins the northerly line of the appellants' lot.

On April 16, 1963, the Board of Appeal granted a variance to the appellants to build a house as outlined on a plan submitted with the petition, which would have its northerly sideline ten feet from the southerly line of Hopkinson Street. The appellants now seek permission to vary the house plan submitted with the previous petition by increasing its size. The sideline of the house will not encroach any nearer to Hopkinson Street than before and will set back ten feet; it will, however, extend along the line a greater distance.

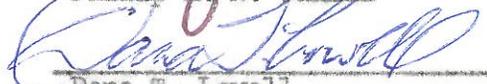
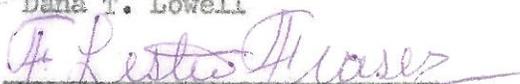
A plot plan was submitted drawn by MacCarthy Engineering Service, Natick, Mass., dated June 28, 1967, which showed the location of the dwelling on the lot.

Decision

The Board has carefully studied the new plans and the facts submitted and has taken another view of the locus.

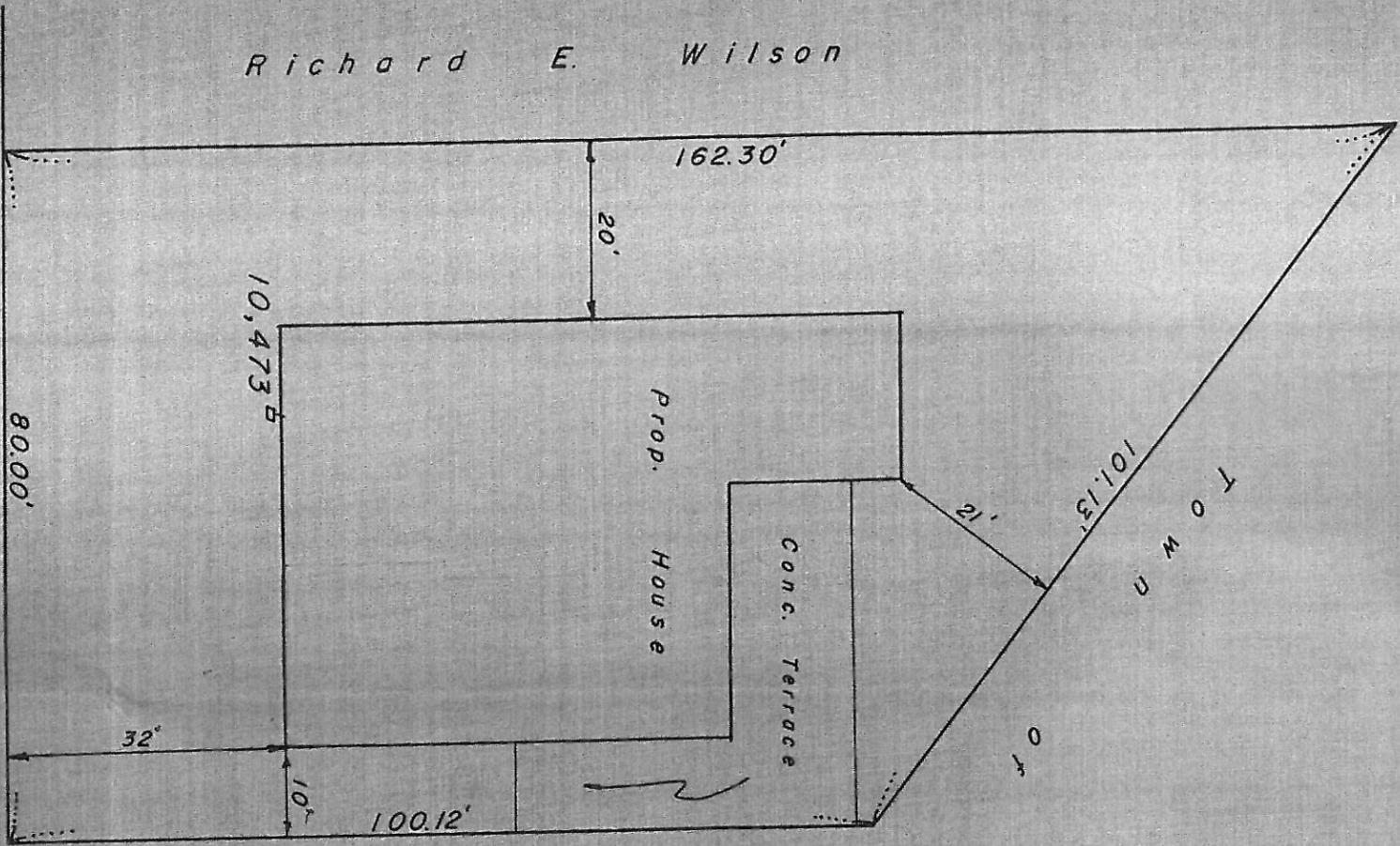
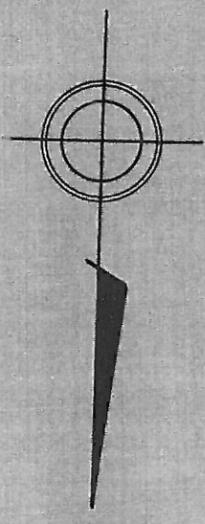
In its opinion the new plan will not prove detrimental to the neighborhood. No further encroachment will result upon the side yard area than would have resulted by the exception granted by the Board in 1963. The Board feels there is little likelihood that Hopkinson Street will ever be developed and as the appellants' side line abuts the so-called paper street, there is ample open space so that the extended line of the proposed house will not create any crowded or congested appearance or effect.

The Board, therefore, grants the requested variance which will permit them to construct a dwelling on the lot involved with a side yard to be no closer than ten feet from the southerly line of Hopkinson Street and not to exceed the size of the dwelling shown on the plan submitted and on file with this Board.


Philip H. R. Cahill

Dana T. Lowell

F. Lester Fraser

Filed with Town Clerk _____

RECORDED
INDEXED
MAY 10 1964
TOWN CLERK



Wilson St.

Richard E. Wilson

TOWN

Wellesley

Approved by:
WELLESLEY BOARD OF APPEALS.

Date _____

Plan of Land in Wellesley, Mass.

Owned by: Joseph W. & Alice E. Gurcan

Scale: 1" = 20' June 28, 1967



Plan by: MacCarthy Engineering Service Inc.
Natick, Mass.