

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

THEODORE C. MERLO
F. LESTER FRASER
WILLIAM O. HEWETT

KATHARINE E. TOY
Administrative Secretary
Telephone
235-1664

Petition of William B. and Nancy A. Morrison

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 October 24, 1974, on the petition of William B. and Nancy A. Morrison, requesting a variance from the terms of Section XIX of the Zoning By-law which would allow the construction of an addition on the side of their dwelling at 7 Hickory Road with a side yard less than the required twenty feet and a front yard less than the required thirty feet. Said request was made under the provisions of Chapter 40A, Section 15, of the General Laws.

On October 7, 1974, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

At the hearing William B. Morrison spoke in support of the request.

A petition favoring the request was submitted which was signed by eight nearby property owners.

A letter was also received from Amelio DiLeo, 8 Woodbine Road, owner of the abutting lot to which the proposed variance would be affecting. He recorded his support of the request and felt that the proposed variance would not represent a detriment to his property or to any of the other neighborhood properties.

Statement of Facts

The house involved, which was built in 1945, is located on a lot containing 10,000 square feet, within a single-residence district requiring a minimum lot area of 10,000 square feet.

The petitioners seek permission to construct an addition 15' x 24' one-story in height, on the southerly side of their dwelling to provide a larger living room and dining area. The proposed addition, if built, will lie 5'6" from the side lot line and 29' from the street line. It was pointed out at the hearing that while the area of the house is of adequate size, over one-third of the first floor is taken up with garage space, leaving very little actual living space on the first floor. If permission is granted, it is proposed to expand the existing kitchen into the existing dining area and to provide a new dining area and enlarge the living room. The present kitchen and living room are both extremely small and inadequate for the petitioners' family.

Alternative plans have been considered, it was stated, but have been discarded as being either economically not feasible or not practical. Utilizing the garage as living space was also considered, but this would not prove feasible either due to the room arrangement of the house. The petitioners feel that there is a real need for the proposed addition and that hardship will result unless the request is granted. It is their further belief that the lot

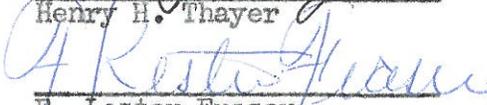
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on which the house is located is unique to the area in that it abuts the side yard of the house on the adjoining lot and that the house is set back in such a manner that the distance between the closest point of the petitioners' proposed addition would be approximately 35' from the house on the abutting lot.

Decision

The Board has made a careful study of the plans submitted and has taken a view of the locus. The house was built in 1945, on a lot which adjoined other land of the same owner on April 1, 1940. The Board, therefore, is not authorized to make a special exception under Section XIX of the Zoning By-law as said section authorizes the Board to grant such exceptions only if on April 1, 1940, the lot was owned of record under a separate and distinct ownership from adjacent lots. The Board, however, considered the petition under the provisions of General Laws, Chapter 40A, Section 15. Hickory Road was developed after the by-law requiring a 20-foot side yard became effective, and it appears to the Board that all of the dwellings in the area have side yards at least the minimum width of twenty feet. The Board feels that to allow an encroachment of this kind, even though it would be a substantial distance from the dwelling on the adjoining lot, would be detrimental to the neighborhood and would establish an undesirable precedent. Moreover, the Board feels that the petitioners can provide the desired additional living space needed in conformity with the Zoning By-law by constructing it at the rear, even though at some added expense. Therefore, the Board finds no "substantial hardship" within the meaning of Chapter 40A, Section 15, of the General Laws.

Accordingly, the requested variance is denied and the petition dismissed.

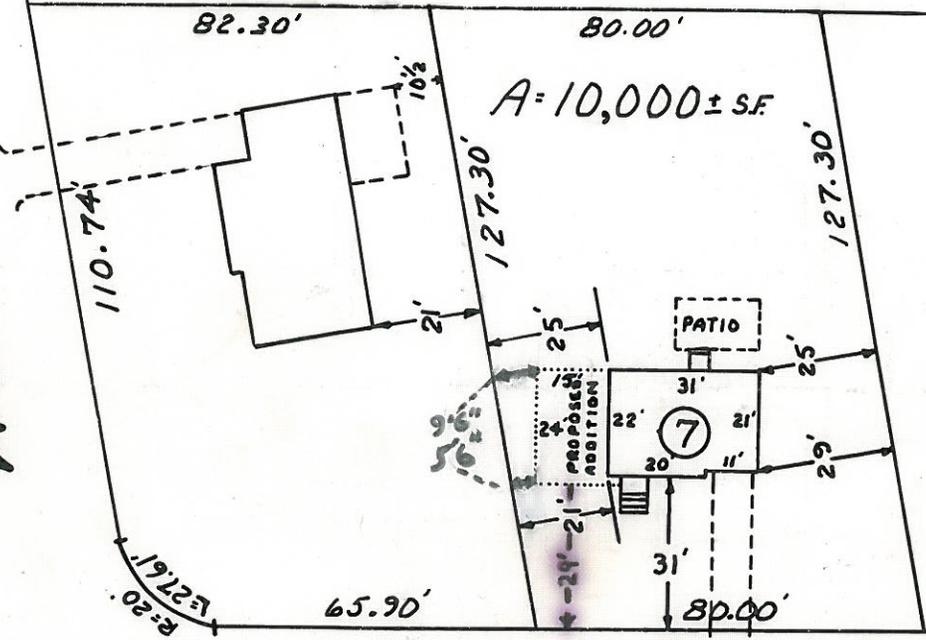

Henry H. Thayer

F. Lester Fraser

William O. Hewett

Filed with Town Clerk _____

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WOODBINE RD.



HICKORY ROAD

PLOT
PLAN OF LAND
IN

WELLESLEY, MASS.

PROPERTY OF W. B. MORRISON

SCALE: 1"=40' AUG. 28, 1974

SURVEYED BY

WILLIAM F. DRAKE & ASSOCIATES
175 MILLWOOD STREET, FRAMINGHAM, MASS.

I CERTIFY THAT THE BUILDINGS
SHOWN HEREON ARE LOCATED
ON THE GROUND AS SHOWN.

William F. Drake

