



BOARD OF APPEAL

F. LESTER FRASER
 STANLEY J. GLOD
 WILLIAM O. HEWETT
 FRANKLIN P. PARKER
 FRANCIS L. SWIFT
 HENRY H. THAYER

KATHARINE E. TOY
 Administrative Secretary
 Telephone
 235-1664

Petition of Calvin K. and Grace A. Schneller

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 8:35 p.m. on June 17, 1976, on the petition of Calvin K. and Grace A. Schneller, requesting a variance from the terms of Section XIX of the Zoning By-law which will allow them to construct an addition on the side of their dwelling at 36 Marshall Road with a front yard less than the required thirty feet and a side yard less than the required twenty feet. Said request was made under the provisions of Chapter 40A, Section 15, of the General Laws.

On May 25, 1976, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Calvin K. Schneller spoke in support of the request at the hearing.

The Planning Board opposed the request in its report.

Statement of Facts

The house involved is located in a Single-residence District requiring a minimum lot area of 10,000 square feet. It was constructed in 1953, and adjoined other land of the same owner on April 1, 1939.

The petitioners seek permission to construct a two-car garage on the westerly side of their dwelling with a covered entrance which will allow entry to the house without going directly into the living room. Due to the tapering of the side lot line, the proposed garage will lie 18.04' from the lot line at the rear corner and will be 20' from the line at the front corner. It was pointed out that the addition has been designed to project 4.67' nearer to the street line than the existing house in order to provide a new entrance which will not lead directly into the living room. If built, it will lie 28.33' from the street line rather than the required 30'.

It was stated at the hearing that there is a real need for the proposed addition which the petitioners feel will architecturally enhance the appearance of the house and be an improvement to the neighborhood.

A plot plan was submitted, drawn by George A. Glover, dated, May 21, 1976, which showed the location of the existing dwelling on the lot as well as the proposed addition.

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Decision

The Board has made a careful study of the facts in this case and has taken a view of the locus. It is the opinion of this Board that a real need exists for the proposed addition which will provide a two-car garage and covered entrance and that the proposed construction will not reduce the value of property within the district or otherwise injure the neighborhood.

The house was built in 1953, on a lot which adjoined other land of the same owner on April 1, 1939. 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, 1939, 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, Marshall Road is part of a subdivision which was developed after the By-law requiring a thirty-foot front yard and a twenty-foot side yard became effective, and while it appears to the Board that most of the dwellings in the area have front yard and side yards at least the minimum depth of thirty feet and the minimum width of twenty feet, it does feel that in this instance due to the location of the house on the lot and the angle of the side lot line, the proposed addition will not prove detrimental to the neighborhood.

It is the further opinion of this Board that a literal enforcement of Section XIX of the Zoning By-law would cause a substantial hardship to the petitioners which can be avoided without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of said section. While the rear corner of the proposed addition will lie only 18.08' from the side lot line, the front corner will be 20.20' from the same lot line due to the angle of the lot line. The slight encroachment into the front yard of less than two feet, will allow the lowering of the roof line on the addition to conform to the slope of the property.

In view of the evidence presented, it is the opinion of this Board, therefore, that a variance can be granted from the terms of Section XIX of the Zoning By-law under the provisions of Chapter 40A, Section 15, of the General Laws.

Accordingly, the request is granted and the issuance of a permit for the proposed addition as shown on the plan submitted and on file with this Board is hereby directed.

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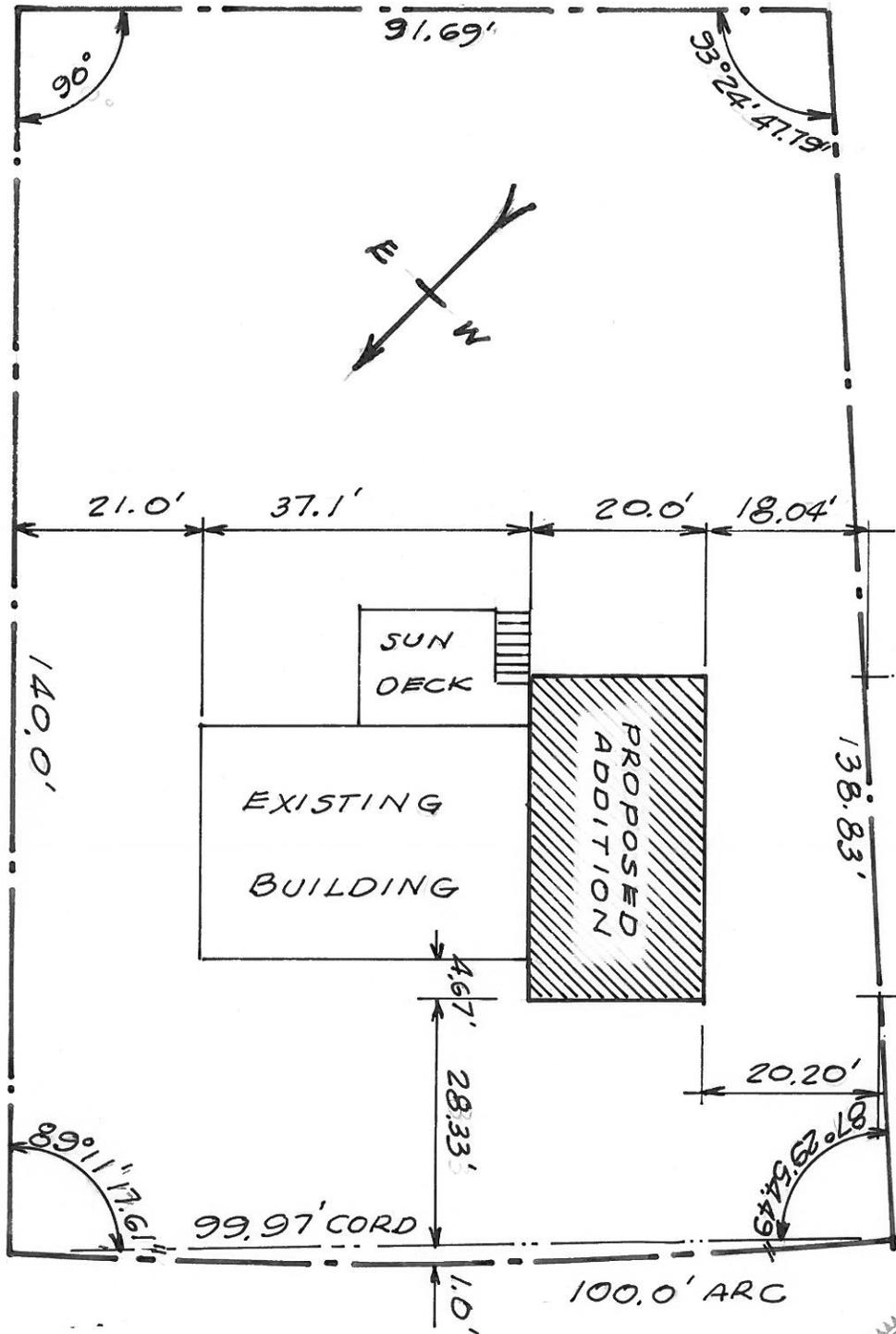

Francis L. Swift


F. Lester Fraser


William O. Hewett

Filed with Town Clerk _____

PLOT PLAN
SCALE 1" = 20'0"



36 MARSHALL RD
WELLESLEY, MASSACHUSETTS

