



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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Anthony and Opal Indresano

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 November 7, 1968, on the petition of Anthony and Opal Indresano requesting a special exception and variance from the terms of Section XIX of the Zoning By-law which will permit the construction of an addition on the side of their dwelling at 7 Peck Avenue with a side yard less than the required twenty feet. Said request was made under the provisions of Section XIX of the Zoning By-law and Chapter 40A, Section 15, of the General Laws.

On October 18, 1968, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Francis L. Swift, attorney, represented the petitioners at the hearing.

Renzo E. Corda, 3 Peck Avenue, spoke in favor of granting the request.

A letter favoring the request was received from Nellie K. Bishop, 58 Seaver Street.

Statement of Facts

The house involved was built in 1956 on a lot of land which adjoined other land of the same owner on April 1, 1940. It is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The petitioners seek permission to construct a two-car garage 24' x 28' on the westerly side of their dwelling, ten feet from the lot side line rather than the required twenty feet. It was stated at the hearing that petitioners now have a garage under the house which is almost impossible to use, especially during the winter months because of the steep slope of the land approaching it. It is the feeling of the petitioners that the proposed garage is a necessity and after considerable planning, have found the proposed location to be the only practical place for it. Although there is more space on the easterly side of the house, a large amount/ledge prohibits it being placed there at a cost within reason. of

A plot plan was submitted, drawn by Gleason Engineering Company, dated October 10, 1968, which showed the existing dwelling and proposed garage on the lot.

Decision

The Board has studied all the facts in this case and has taken a view of the locus. In its opinion a real need exists for the proposed garage and the Board agrees with the petitioners' contention that it would not be practical to construct the garage on the other side of the house because

of the large amount of ledge.

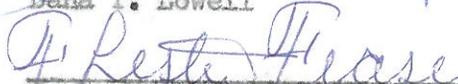
While the facts in this case do not satisfy the conditions set forth in Section XIX of the Zoning By-law, as the lot involved was not held under a separate and distinct ownership from adjacent lots on April 1, 1940, this Board, however, considered the petition under the provisions of the General Laws, Chapter 40A, Section 15. In its opinion, a literal enforcement of Section XIX of the Zoning By-law would cause a substantial hardship to the petitioners and the requested relief can be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of said by-law.

In view of these facts, it is the opinion of this Board that a variance can and should 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 attached garage as shown on the plan submitted and on file with this Board is hereby authorized.


Richard O. Aldrich


Dana T. Lowell


F. Lester Fraser

Filed with Town Clerk _____

1940 DEC 23 11 11:20

RECEIVED
TOWN CLERK'S OFFICE

PLAN OF LAND
IN
WELLESLEY, MASS.

SCALE 40 FEET TO AN INCH
OCTOBER 10, 1968.

GLEASON ENGINEERING COMPANY



PECK AVENUE

