

63-19

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

GARRETT S. HOAG
JOHN L. HAYDEN
DANA T. LOWELL

KATHARINE E. TOY, CLERK
TELEPHONE
CE. 5-1664

Appeal of Wellesley College (Deck House, Inc.)

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 8:25 p.m. on May 9, 1963, on the appeal of Wellesley College from the refusal of the Inspector of Buildings to issue a permit for the construction of a Deck House to be built on Lot 6 (formerly Lot 7) Homestead Road. The reason for such refusal was that the construction of said dwelling would violate the requirements of Chapter VIII, Section 21, Wood Framing, of the Wellesley Building Code.

Robert G. Brownell, President of Deck House, Inc. represented the appellant at the hearing.

Speaking in favor of the appeal were: Robert J. Schneider, Business Manager at Wellesley College and John H. Kreinheder, Superintendent of Buildings and Grounds at Wellesley College.

Frederick C. Hopewell, 18 Leighton Road and Robert Hoffman inquired regarding the location and construction of the proposed house.

The Planning Board offered no comment in its report.

On April 15, 1963, the Inspector of Buildings notified the appellant in writing that a permit for the proposed dwelling could not be granted for the above-mentioned reasons, and on April 18, 1963, the appellant took an appeal from such refusal. Thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The lot involved is located within a single-residence district requiring a minimum lot area of 10,000 square feet.

The appellant seeks a variance from the Building Code which will permit the construction of a Deck House, so-called, the framing of which does not conform to the Wellesley Building Code. The unconventional framing varies from the requirements of the Wellesley Building Code in the following respect:

It is proposed to use 4" x 4" posts rather than the required 4" x 6" posts. It was alleged that 4" x 6" corner posts would be incorporated in the design as required and the 4" x 4" posts will be used for bearing of beams on the interior sections of the house.

There will be no 4" x 6" girts and no rafters, in the commonly accepted use of the term, but because of the mill-type construction, the roof structure and floor structure will be solid 3" x 6" double tongue and grooved mill-type construction. No girts are required. This solid 3" x 6" mill-type decking takes the place of the rafters.

The Code requires that all outside wall studding rest on the sill.

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The plan of the proposed house provides that the entire first-floor level shall rest on a 4" x 6" or 4" x 12" sill. The upper level, however, will not rest on the sill; because of the heavy timber and mill-type construction, it allows for a cantilever on the upper level whereby the roof load is transferred through the floor beam for direct bearing to the sill.

The appellant agreed to meet the requirement of the Building Code that a fireplace hearth of 18" be provided in lieu of the non-conforming hearth shown on the plan.

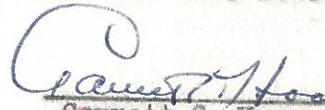
It was alleged that because of the newness of the application of mill-type post and beam construction in residential dwellings, no provisions were made in the Building Code to cover this type of construction.

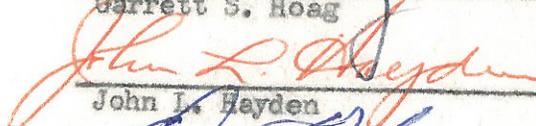
Decision

The Board has viewed the locus and inspected a similar Deck House in a nearby town. It is their opinion that the method of construction requested is equivalent to that required by the provisions of the Building Code. It has the necessary strength and stability for a dwelling and provides safety for the occupants thereof.

It is the opinion of this Board that mill-type post and beam construction was not contemplated for dwellings at the time the Building Code was written, and that manifest injustice may be done if the requested variance is not granted in this specific case. The Board, however, is not approving or accepting this type of construction for general use throughout the Town. In its opinion, this would have to be accomplished through an amendment to the Building Code. The Town has accepted a Code allowing only conventional construction and until it has been changed by a vote of the Town Meeting members, this Board will not approve a non-conforming type of construction wholesale regardless of how practical it may be.

Accordingly, the Board grants the requested variance and the Inspector of Buildings is hereby authorized to issue a permit, in this specific case only, for said Deck House, so called, to be constructed with modifications as agreed by the appellant on the lot involved, shown on the plan submitted as Lot 7, subsequently changed to Lot 6 and on file with this Board.


Garrett S. Hoag


John L. Hayden


Dana T. Lowell

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