



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

BOARD OF APPEAL

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

Petition of Paul W. and Kathleen T. Norton

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 June 12, 1963 on the petition of Paul W. and Kathleen T. Norton requesting an exception from the terms of Section XIX of the Zoning By-law which will permit them to construct a porch on the side of their dwelling at 55 Beverly Road with a side yard less than the required twenty feet. Said request is made under the provisions of Section XIX of the Zoning By-law and Chapter 40A, Section 15 of the General Laws.

Paul W. Norton represented the petitioners at the hearing.

The Planning Board opposed the requested exception in its report.

A letter of approval was received from Richard V. Clemence, 61 Beverly Road, abutting property owner.

On May 28, 1963, the petitioners filed their request for a hearing and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The dwelling involved is located within a single-residence district requiring a minimum lot area of 10,000 square feet. It was built in 1946, on a lot of land containing 10,000 square feet, approximately 24'10" from the lot line on the easterly side. The petitioners now seek permission to construct an open porch 10' x 14' on the easterly side of the house. The proposed porch, if built, would lie approximately 14'10" from the lot side line. A plot plan drawn by Paul W. Norton, Engineer, was submitted which showed the existing dwelling on the lot as well as the proposed porch.

It was alleged at the hearing that the proposed porch would be most beneficial to Mrs. Norton who has arthritis and has great difficulty in walking. It would provide a means of outdoor living without going over a set of stairs to the yard. Due to the arrangement of the house with bedrooms on the rear, it would not be desirable or practical to construct the porch on the rear even though it could be constructed in compliance with the Zoning By-law. The proposed porch should be an improvement to the property and, in the opinion of the petitioners, unless the request is granted, a real hardship will result.

Conclusion

The Board has made a careful study of the evidence submitted and has taken a view of the locus. The house was built in 1946 on a lot which adjoined other land of the same owner in 1940. This Board, therefore, cannot 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. As stated above such is not the case here. The Board, therefore, considered the petition under G. L. Chapter 40A, Section 15.

Messrs. Hayden and Lowell would grant the petition as they feel that the encroachment into the side yard would not result in substantial detriment to the public good or substantially derogate from the intent or purpose of the by-law. In their opinion substantial hardship will result to the petitioners unless the requested exception is granted. In their opinion, conditions exist in this specific case which especially affect the lot involved but do not affect generally the zoning district.

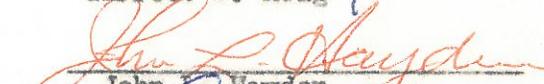
Mr. Hoag, however, does not agree. In his opinion the addition of the porch would create a crowded effect which the by-law was adopted to prevent, and would substantially derogate from the intent of the by-law. He is unable to find any condition affecting the land which does not affect the district generally in which it is located.

As the variance may be granted only with the concurrence of all members, the petition is dismissed.

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Garrett S. Hoag

  
John L. Hayden

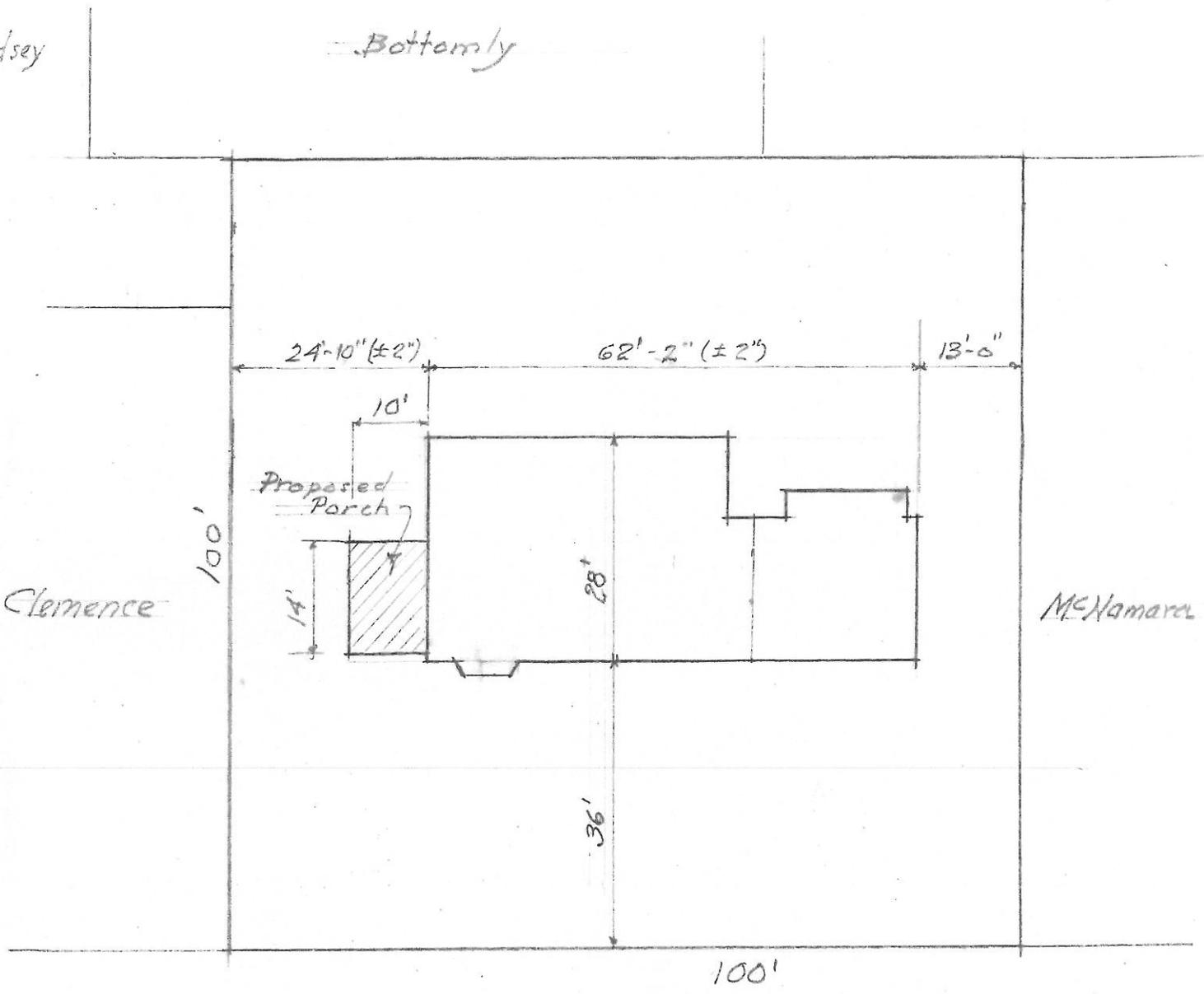
  
Dana T. Lowell

Lindsey

Bottomly

Clemence

McNamara



Beverly Road



PLOT PLAN OF LOT  
 AT 55 BEVERLY ROAD  
 1 INCH = 20 FT.  
 (Mr & Mrs. Paul W. Norton)

