



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

BOARD OF APPEAL

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

Appeal of William H. and Katherine J. Golden

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 June 12, 1963 on the appeal of William H. and Katherine J. Golden from the refusal of the Inspector of Buildings to issue a permit to them to construct a two-story addition on the rear of their dwelling at 9 Stonecleve Road. The reason for such refusal was that said addition would violate Section XIX of the Zoning By-law which requires a twenty-foot side yard and Chapter IV, Section 1, of the Building Code which requires that all Type V buildings shall be placed at least ten feet from a party line.

Chester Golden, son of the appellants spoke in support of the appeal.

The Planning Board opposed the granting of the request.

Frederick Chase, 10 Stonecleve Road and Weston S. Earle, 17 Stonecleve Road, both spoke in favor of granting the requested variance.

On May 27, 1963, the Inspector of Buildings notified the appellants in writing that a permit for the proposed addition could not be granted for the above-mentioned reasons and on the same date the appellants took an appeal from such refusal. Thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The house involved was built on a lot of land originally containing approximately 3,320 square feet prior to the enactment of the Zoning By-law requiring a twenty-foot side yard. The appellants subsequently acquired an additional parcel of land and the lot now contains 5,655 square feet. The property is located within a single-residence district requiring a minimum lot area of 10,000 square feet.

The appellants seek permission to construct a two-story addition 8' x 22' in order to enlarge two existing rooms on the first floor and provide two bedrooms on the second floor. A plot plan was submitted, drawn by Gleason Engineering Company, dated May 23, 1963, which showed the existing dwelling on the lot as well as the proposed addition. Said plan showed the proposed addition, if built, will lie 7.3' from the lot line on the westerly side. It is designed to continue the line of the existing house but will lie slightly closer to the lot line than the present house because of the angle at which the house rests in relation to the lot line.

The house presently contains three rooms, bath and a porch which is being used as a child's bedroom. The appellants' son is living in the house with his wife and child and needs additional living space for his growing family. In 1959 the Board of Appeal granted permission to the appellants to construct a one-story addition 8' x 22' but this addition was never built. Since that time

the appellants' son has been married and feels that if he is to continue to occupy the house, it is necessary for him to be allowed to construct a two-story addition which will provide adequately for his family now and in the future. He has made improvements to the property since occupying it, and if granted the requested variance, he intends to purchase the property and continue to improve it.

Conclusion

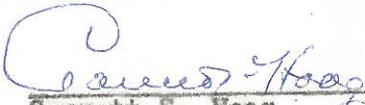
The Board has given careful study to the plans and facts submitted and has taken a view of the locus.

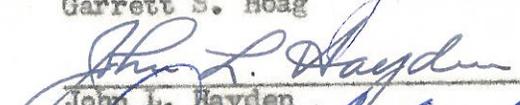
The house was built on a lot of land which was held under separate and distinct ownership from adjoining lots on April 1, 1940. The lot is narrow at the rear which makes compliance with the requirements impracticable because of the width, depth and shape of the lot. Thus the conditions precedent to the Board's power to grant an exception from the terms of side yard requirements of the Zoning By-law are met.

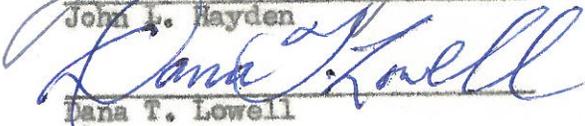
Messrs. Hayden and Lowell would grant the request as they feel that the addition of a second story on the one-story addition for which an exception has been already granted, will not prove detrimental to the appearance of the house or to the neighborhood. No further encroachment will result upon the existing side yard area as the addition is designed to continue the line of the existing house, and would be on the rear of the house facing Morse's Pond not visible from the street.

Mr. Hoag, however, does not agree. In his opinion, it would be a mistake to permit substantial enlargement of the house which is on a lot little more than half as large as the minimum standard fixed by the Town, and less than half the minimum distance from the lot line now required by the Zoning By-law. He believes a second story would tend to further overcrowd the already crowded lot. While he is sympathetic with the problem involved, he feels that to permit the proposed addition would be contrary to the intent and meaning of the law. In fact, Mr. Hoag now doubts the wisdom of the Board's 1959 decision in which he participated.

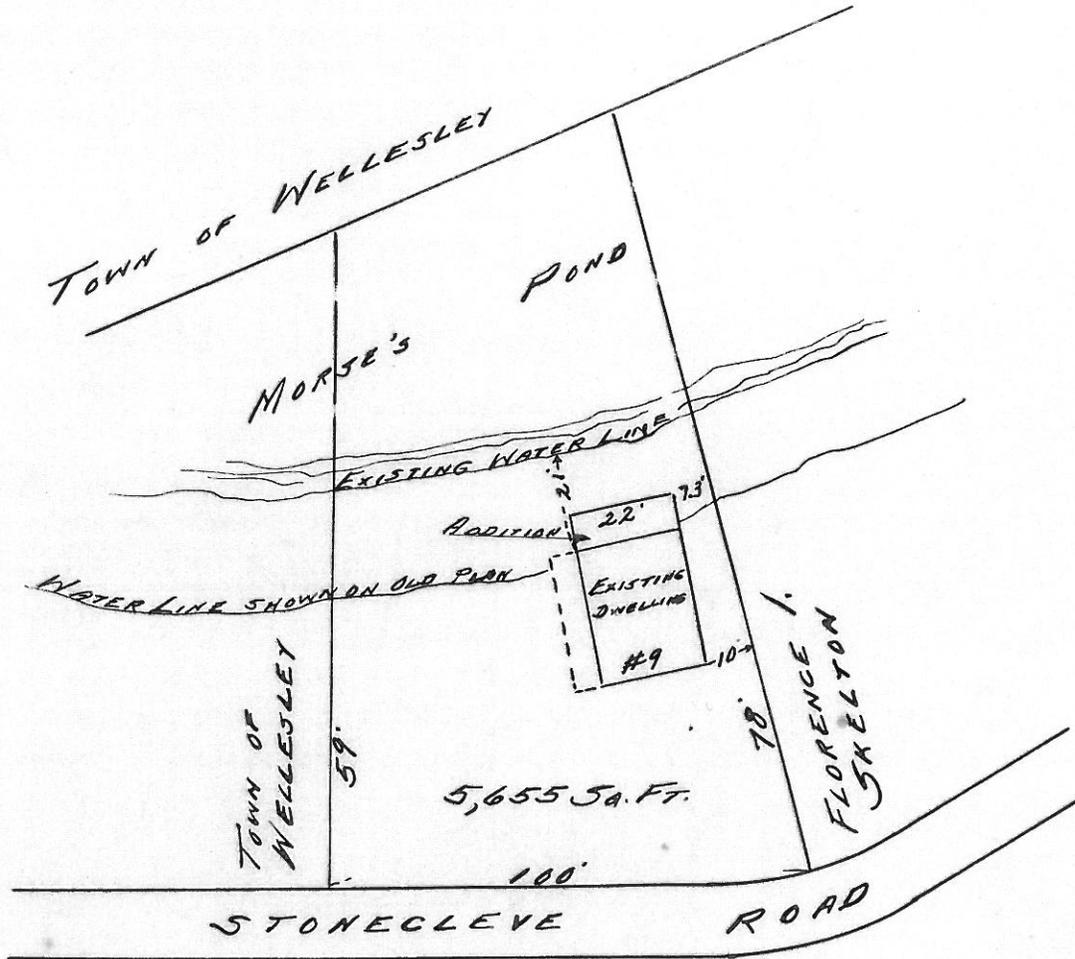
As the variance may be granted only with the concurrence of all members, the request is denied and the appeal dismissed.


Garrett S. Hoag


John L. Hayden


Dana T. Lowell

Filed with Town Clerk _____



PLAN OF LAND
 IN
WELLESLEY, MASS.
 OWNED BY
WILLIAM H. & CATHERINE T. GOLDEN
 SCALE 40 FEET TO AN INCH
 MAY 23, 1963.
 GLEASON ENGINEERING COMPANY

