



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

BOARD OF APPEAL

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

Appeal of Paul W. and Rita M. Flanagan

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 8:10 p.m. on October 17, 1963, on the appeal of Paul W. and Rita M. Flanagan from the refusal of the Inspector of Buildings to issue a permit to them to construct an addition on the rear of their dwelling at 134 Dearborn Street. The reason for such refusal was that said addition would violate Chapter IV, Section 1, of the Building Code which requires that all Type V buildings shall be placed at least ten feet from any party line and Section XIX of the Zoning By-law which requires that there shall be provided a side yard not less than twenty feet in width on each side of every building hereafter erected or altered within a single-residence district.

Henry D. White appeared at the hearing as attorney for the appellants.

The Planning Board offered no objection to the granting of the request.

The following nearby property owners spoke in favor of the request: Edward Beers, Dearborn Street, Thomas W. Wildman, Jr., 3 Park Place, and William A. Jarvis, 26 Harris Avenue.

On September 23, 1963, the Inspector of Buildings notified the appellants in writing that a permit could not be issued for the proposed construction for the above-mentioned reasons, and on the same date the appellants took an appeal from such refusal.

Statement of Facts

The house involved which was built about 1926, is located within a single-residence district requiring a minimum lot area of 15,000 square feet.

A plot plan drawn by Gleason Engineering Company, dated September 20, 1963, was submitted which showed the existing dwelling on the property as well as the proposed addition.

The appellants seek permission to construct a one-story addition approximately 18' x 22' at the rear of their dwelling which will provide an additional bedroom. The addition is designed to continue the existing line of the house which is six feet from the lot side line on the southerly side. The house contains six rooms, kitchen, dining room and living room on the first floor with three bedrooms on the second floor. The appellants have an adopted son and are seeking the adoption of a daughter, however, the Division of Child Guidance requires that they must provide a separate bedroom for the second child. Mr. Flanagan's mother is living with the appellants so unless an additional bedroom can be provided the appellants will not be eligible for another child. Because of the layout of the house, it would not be feasible to construct the room on the northerly side of the house although there is considerably more land on that side. The appellants feel there is a real need for the proposed addition and due to the size of the lot and the

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location of the house thereon, the proposed location is the only reasonable place for it.

Decision

The Board finds that a real need exists for the proposed addition and the facts in this case satisfy the conditions set forth in Section XIX of the Zoning By-law and Chapter IV, Section 1, of the Building Code, on which the Board's authority depends to grant a special exception from the application of the side yard restrictions in the Zoning By-law and the setback restriction in the Building Code. The lot is small containing only 4,900 square feet with the house presently located only six feet from the lot side line. Therefore, compliance with said side yard restrictions is impracticable because of the width, depth and shape of the lot. It is the further opinion of this Board that the setback requirements of Chapter IV, Section 1, of the Building Code do not appear to have contemplated a case such as this where this is a legally existing building without exterior walls of incombustible material less than ten feet from the party line. It would appear to be futile to require an extension of the building on the same line to have exterior walls of a non-combustible material while the existing wall is not so covered.

Accordingly, the requested exception from the Zoning By-law and variance from the Building Code are authorized and the issuance of a permit by the Building Inspector for a permit for the proposed addition in accordance with the plan submitted and on file with this Board is hereby granted.

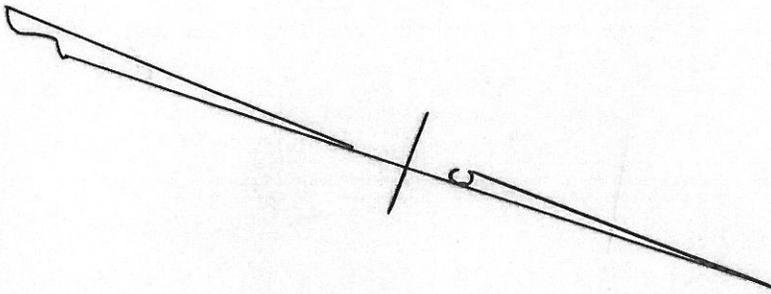

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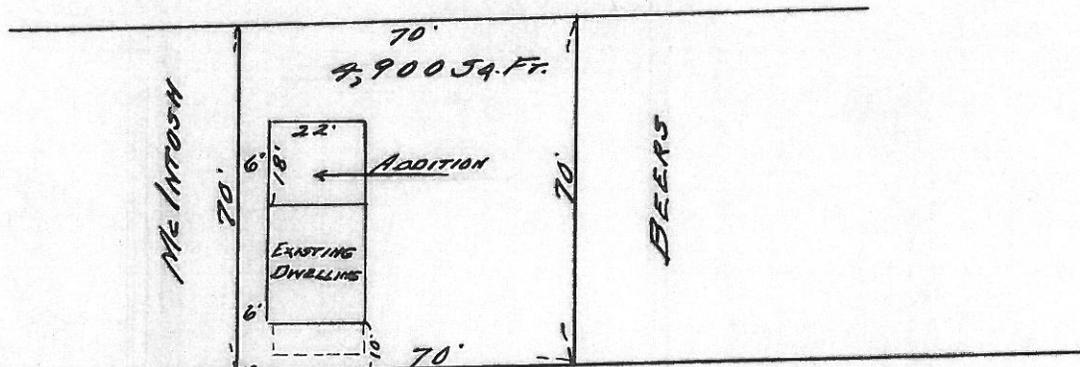

Dana T. Lowell

Filed with Town Clerk 11/8/63

PLAN OF LAND
IN
WELLESLEY, MASS.
OWNED BY
PAUL W. & RITA M. FLANAGAN
SCALE 40 FEET TO AN INCH
SEPTEMBER 20, 1963.
GLEASON ENGINEERING COMPANY



MCINTOSH



DEARBORN STREET

PARK
PLACE