



BOARD OF APPEAL

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

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

Appeal of William E. and Madeline W. Wheat

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 11/20/63 on the appeal of William E. and Madeline W. Wheat from the refusal of the Inspector of Buildings to issue a permit to them to replace windows and siding on the porch of their dwelling at 14 Beechwood Road. The reason for such refusal was that said porch stands in violation of Section XIX of the Zoning By-law which requires a thirty-foot front yard and Chapter IV, Section 1, of the Building Code which requires that all such buildings shall be placed at least thirty feet from the side line of any public or private street and fifty feet from the center line of the street. Said request was made under the provisions of Chapter 40A, Section 15, of the General Laws.

The appellants were represented by William E. Wheat at the hearing who spoke in support of the appeal.

A petition favoring the granting of the request and signed by twenty-five nearby property owners was submitted.

The Planning Board offered no objection to the granting of the request provided relief can be granted.

On October 28, 1963, the Building Inspector notified the appellants in writing that a permit for the replacing of windows and siding on their existing porch could not be issued for the above-mentioned reasons. On the same date the appellants took an appeal from such refusal and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

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

The house which was built over fifty years ago, has an existing front porch which has been enclosed with glass combination doors for some years. The enclosure was in need of repair and the appellants proceeded to remove the windows and were about to replace them with new windows when notified by the Building Inspector that a permit would be necessary for the proposed work and that the present porch is too close to Beechwood Road and, therefore, a building permit for the work could not be issued.

The appellants are requesting a variance from this Board which will permit new windows to be installed and new siding. It was stated at the hearing that there will be no change in the size of the porch and no change to the roof or the floor. There will be a rearrangement of windows, and there will be one less window than previously. The porch will be boxed in with new siding. This should be an improvement to the property and to the neighborhood.

Decision

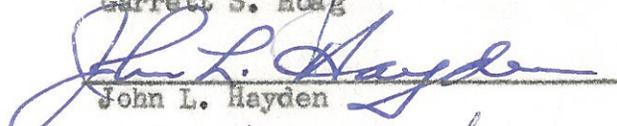
The Board has considered the facts in this case and feels that there is a real need for the existing porch to be repaired and unless a variance is granted which will permit a slight change to be made in the manner of replacing the windows and siding, manifest injustice will result to the appellants.

While this Board cannot make its findings under Section XIX of the Zoning By-law, as the lot was not held under separate ownership from adjacent properties on April 1, 1939, it has, however, considered it under the provisions of Chapter 40A, Section 15, of the General Laws. The proposed construction will not encroach into the existing front yard nor will the size or shape of the porch change. It is, therefore, the opinion of this Board that desirable relief may be granted without substantial detriment to the public good and without substantially derogating from the intent or purpose of Section XIX of the Zoning By-law and Chapter IV, Section 1, of the Building Code, and that a literal enforcement of the by-laws involved would involve substantial hardship to the appellants.

Accordingly, the variance is granted, and the Building Inspector is authorized to issue a permit for the proposed construction in accordance with the plan submitted and on file with this Board, drawn by Gleason Engineering Company, dated September 30, 1963.



Garrett S. Hoag



John L. Hayden



David C. Wiswall

Filed with Town Clerk _____

SEP 22 1963
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