

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

66-17
RECORDED
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WELLESLEY, MASS.
1966 JUL 1 PM 1:54
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GARRETT S. HOAG
DANA T. LOWELL
F. LESTER FRASER

Appeal of Edwin M. and Evelyn M. Scribner

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 May 19, 1966, on the appeal of Edwin M. and Evelyn M. Scribner from the refusal of the Inspector of Buildings to issue a permit to them to construct an addition on the side of their dwelling at #9 Vane 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. Said appeal was made under the provisions of Chapter I, Section 11, of the Building Code and Section XIX of the Zoning By-law.

On April 22, 1966, 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 appeal was taken from such refusal. Thereafter due notice of the appeal was given by mailing and publication.

Edwin M. Scribner spoke in support of the appeal at the hearing.

Paul Shattuck, 8 Winthrop Road, spoke in favor of the appeal.

A letter favoring the request was received from Adeline B. Seibel, 5 Vane Street.

Statement of Facts

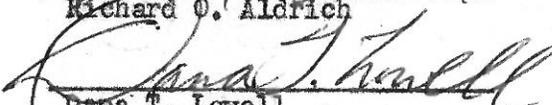
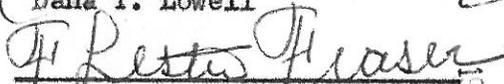
The property involved is located within a single-residence district requiring a minimum lot area of 10,000 square feet. The house was built on a lot containing 8,192 square feet prior to the present area requirement and prior to the present side yard requirement of twenty feet. It has a one-car garage attached to the easterly side of the house and the appellants seek permission to construct an addition 7' x 22.5' on the side of the garage in order to widen it to accommodate two cars. It was stated at the hearing that at present the appellants' two cars are either in the driveway or on the road; if allowed to construct the proposed addition, both cars can be housed within the garage. It will be built to match the existing garage in all details and should be an improvement to the neighborhood.

A plot plan was submitted drawn by Gleason Engineering Company, dated March 28, 1966, which showed the existing dwelling and attached garage as well as the proposed addition. Said plan showed the proposed addition to be 9' from the lot side line at the front corner and 18' from the same lot line at the rear corner.

Decision

Upon examination of a plan of the neighborhood involved and an inspection of the locus by this Board, it was found that several of the houses in the neighborhood are located closer than the required twenty feet from the lot line. The lot is small with a frontage of only 80.00' which makes compliance with the side yard requirement of Section XIX of the Zoning By-law impracticable because of its size and shape. The lot was held of record on April 1, 1940 under separate and distinct ownership from adjacent lots. The Board further finds that there is a need for the proposed addition and that the provisions of the Building Code do not appear to have contemplated the circumstances of this specific case and that manifest injustice will result unless relief is granted.

It is, therefore, the unanimous opinion of this Board that the requested variance and exception will not injure the neighborhood and permission is granted for the proposed addition in accordance with the plan submitted and on file with this Board.


Richard O. Aldrich

Dana T. Lowell

F. Lester Fraser

Filed with Town Clerk _____

1968 JUL 4 PM 1:54

TOWN CLERK'S OFFICE
WELLESLEY, MASS.

PLAN OF LAND
IN
WELLESLEY, MASS.
OWNED BY
EDWIN M. & EVELYN M. SCRIBNER
SCALE 40 FEET TO AN INCH
MARCH 28, 1966.
GLEASON ENGINEERING COMPANY

