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TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

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DANA T. LOWELL
F. LESTER FRASER
Richard O. Aldrich

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Appeal of William C. Jr. and Virginia A. Beck

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 September 29, 1966, on the appeal of William C. Jr. and Virginia Beck, from the refusal of the Inspector of Buildings to issue a permit to them to enclose their existing porch on the side of their dwelling at 26 Atwood Street which now stands in violation of Section XIX of the Zoning By-law and Chapter IV, Section 1, of the Building Code.

William C. Beck, Jr. represented the appellants at the hearing.

Letters favoring the granting of the request were received from Mrs. Maurice F. Noonan, 25 Atwood Street and Henry S. Kneller, 24 Atwood Street.

On July 25, 1966, the appellants requested a hearing before this Board 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 and was built in 1926, prior to the enactment of the by-law requiring a minimum twenty-foot side yard.

The appellants seek permission to enclose the porch on the side of their dwelling in order to provide an additional room. The porch is approximately 10.1' x 22' and lies approximately 9.28' from the southerly lot side line at the nearest point. A plot plan drawn by Gleason Engineering Company, dated March 4, 1966, was submitted which showed the existing dwelling on the lot. It was pointed out that the proposed enclosure should improve the appearance of the property and be an improvement to the neighborhood.

Decision

The Board has taken a view of the locus, and in its opinion, the proposed porch enclosure will not prove detrimental to the public good nor derogate from the intent or purpose of the by-laws. The lot is narrow, with a frontage of only 88.32' which narrows down to 80.69' in the rear. Compliance, therefore, with the requirements of Section XIX of the Zoning By-law is impracticable because of the width and shape of the lot which was held of record on April 1, 1940 under a separate and distinct ownership from adjacent lots. Moreover, a literal enforcement of the requirement of Chapter IV, Section 1, of the Building Code would, in the opinion of this Board, result in manifest injustice to the appellants and the Board feels that compliance in this specific case was not contemplated at the time of the adoption of the by-law.

The facts in this case, therefore, 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 and variance from the application of the side yard restrictions of the Zoning By-law and setback restrictions of the Building Code. Moreover, literal enforcement of the applicable provisions of the Zoning By-law and Building Code would result in substantial hardship to the appellants within the contemplation of Section 15 of Chapter 40A of the General Laws.

Accordingly, the requested exception and variance are granted and the issuance of a permit for the proposed enclosure of the porch in accordance with the plan submitted and on file with this Board is hereby authorized.

Dana T. Lowell

F. Lester Fraser

Richard O. Aldrich

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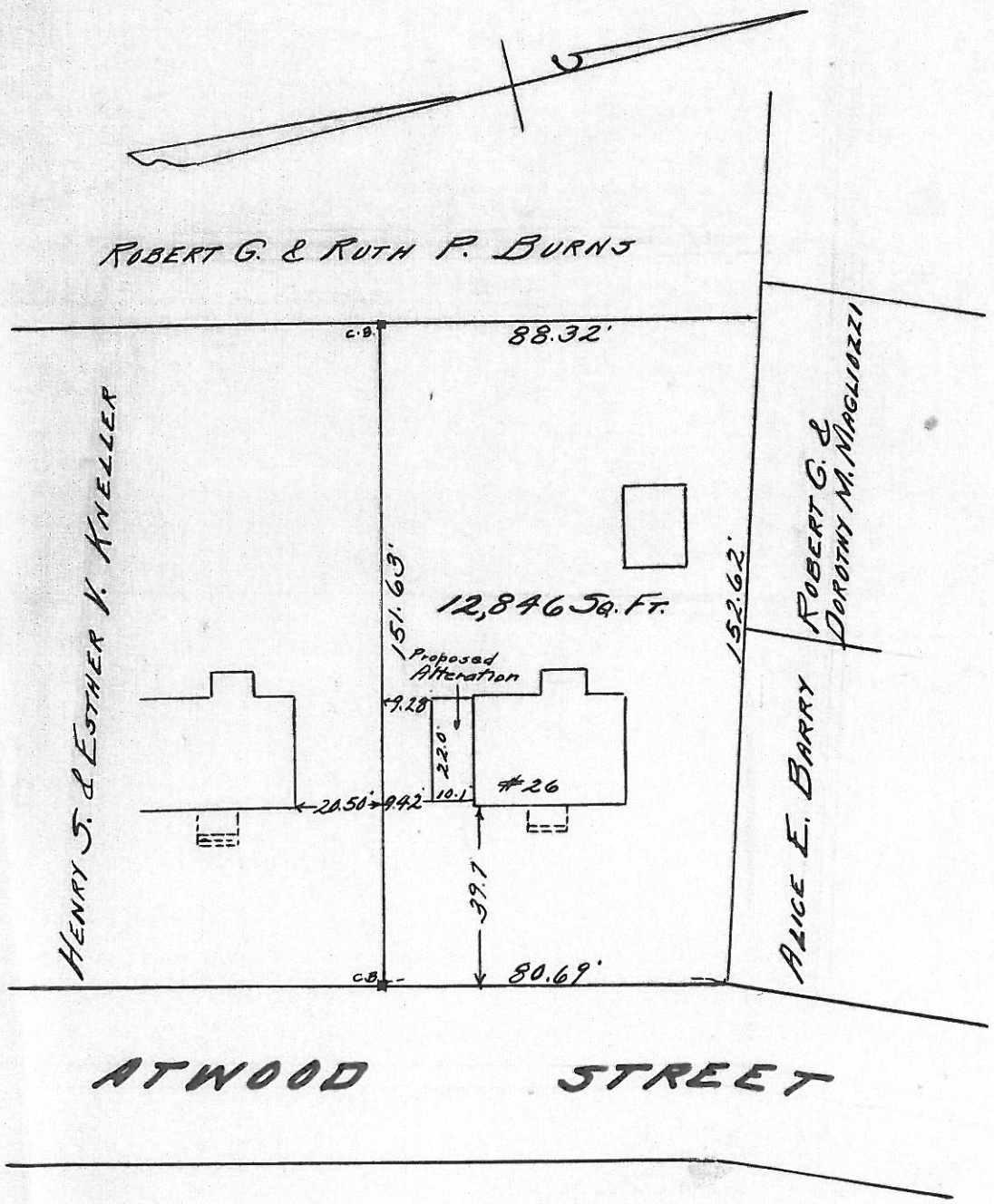
PLAN OF LAND
IN
WELLESLEY, MASS.
OWNED BY
WILLIAM C. JR. & VIRGINIA A. BECK
SCALE 40 FEET TO AN INCH
MARCH 4, 1966.
GLEASON ENGINEERING COMPANY