

66-49

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

~~BARRETT S. HOAG~~

DANA T. LOWELL

F. LESTER FRASER

Richard O. Aldrich

KATHARINE E. TOY, CLERK

TELEPHONE

235-1664

NOV 7

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WELLESLEY, MASS.

Petition of Robert M. and Shirley S. Zimmerman

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 8:45 p.m. on September 29, 1966, on the petition of Robert M. and Shirley S. Zimmerman, requesting a special exception from the terms of Section XIX of the Zoning By-law which will permit them to enclose their existing porch on the side of their dwelling at 76 Fairbanks Avenue which now stands in violation of Section XIX of the Zoning By-law requiring a twenty-foot side yard.

On September 12, 1966, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Robert M. Zimmerman, represented the petitioners at the hearing.

John G. Schuler, 35 Emerson Road and Edgar R. Tucker, 80 Fairbanks Avenue, both spoke in favor of the request.

Statement of Facts

The dwelling involved is located within a single-residence district requiring a minimum lot area of 15,000 square feet and was built in 1931, prior to the enactment of Section XIX of the Zoning By-law requiring a minimum twenty-foot side yard.

The petitioners seek permission to enclose the existing porch and convert it into a living area. The porch which was an original part of the house is on a permanent cement slab with six arches which support the second floor area above the porch. There is a small room and bath above the porch which was also a part of the original house. There is to be no change made in the size of the existing porch and no additional entrances added.

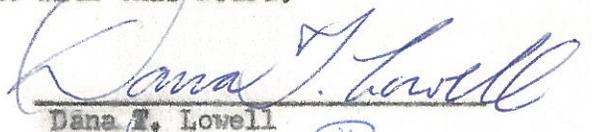
A plot plan was submitted, drawn by Gleason Engineering Company, dated September 7, 1966, which showed the existing porch on the side of the dwelling to be sixteen feet from the lot line on the westerly side.

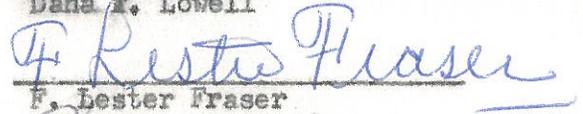
Decision

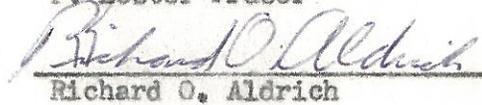
It is the unanimous opinion of this Board after viewing the premises that the requested special exception should be granted. The Board feels that a real need exists for the proposed enclosure which will provide an additional room, and that such enclosure will not involve any detriment to the public good nor will it derogate from the intent or purpose of the Zoning By-law, reduce the value of any property within the district or otherwise injure the neighborhood.

Due to the shape of the lot, its width being only 90.55', and the location of the dwelling on it, compliance with the requirements of Section XIX of the Zoning By-law is impracticable. It was held of record on April 1, 1940, under a separate and distinct ownership from adjacent lots. Therefore, the facts in this case satisfy the conditions set forth in Section XIX of the Zoning By-law on which the Board's authority depends to vary the requirements of the side yard restrictions of the Zoning By-law. Moreover, literal enforcement of the applicable provisions of the Zoning By-law would result in substantial hardship to the petitioners within the contemplation of Section 15 of Chapter 40A of the General Laws.

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


Dana T. Lowell


F. Lester Fraser


Richard O. Aldrich

Filed with Town Clerk _____

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WILLESLEY, MASS.

PLAN OF LAND
IN
WELLESLEY, MASS.
OWNED BY
ROBERT M. & SHIRLEY S. ZIMMERMAN
SCALE 40 FEET TO AN INCH
SEPTEMBER 7, 1966.
GLEASON ENGINEERING COMPANY

