



BOARD OF APPEAL

RICHARD O. ALDRICH  
DANA T. LOWELL  
F. LESTER FRASER

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Appeal of Louis J. and Jean M. Valente

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 8:05 p.m. on November 9, 1966, on the appeal of Louis J. and Jean M. Valente, from the refusal of the Inspector of Buildings to issue a permit to them to enclose a front entrance porch on the building owned by them at #5 Seaward Road. The reason for such refusal was that said porch now violates the requirements of Chapter IV, Section 1, of the Building Code which requires that all Type V buildings shall be placed at least thirty feet from the line of any public or private street and fifty feet from the center line of any public or private street and Section XIX of the Zoning By-law which requires that all such buildings shall provide a front yard at least thirty feet in depth. 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 October 24, 1966, the Inspector of Buildings notified the appellants that a permit could not be issued for the proposed construction and on the same date the appellants took an appeal from such refusal. Thereafter due notice of the hearing was given by mailing and publication.

Louis J. Valente, Jr. represented the appellants at the hearing.

Captain Robinson, 45 Seaward Road, questioned the appellants relative to the proposed construction.

Statement of Facts

The building involved is located within a Business District and is used in part as a dental office.

The appellants seek permission to enclose the existing front entrance porch in order to provide protection for the room immediately inside the front door against wind and storms. The porch platform is 4' x 8' and it is not proposed to increase its size. It was pointed out that there is a great need for the proposed enclosure which will not only add protection to the building, but also will improve its appearance.

A plot plan was submitted drawn by Gleason Engineering Company, dated October 5, 1966, which showed the existing building on the lot. Said plan showed the platform to be enclosed to be 16.5' from the street line, rather than the required thirty feet.

Decision

The Board finds that a real need exists for the proposed enclosure and that a literal enforcement of the front yard provisions of Section XIX of the Zoning By-law and the setback provision of Chapter IV, Section 1, of the

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Building Code would result in manifest injustice to the appellants. The lot, which contains only 4,338 square feet, is too small to meet the pertinent requirements of the Zoning By-law and Building Code. The entrance porch is presently located only 16,5' from the street line having been built prior to adoption of the thirty-foot setback requirement. The law provides that an uncovered or covered entrance porch can be built which does not exceed fifty square feet. There is no other place where the desired improvement can be located on the lot. For these reasons, the Board finds that compliance with the requirements of Section XIX of the Zoning By-law is impracticable because of the width, depth and shape of the lot and that the lot was held of record on April 1, 1939 under a separate and distinct ownership from adjacent lots. Moreover, the Board feels to enclose this porch which does not exceed fifty square feet, will not prove detrimental to the neighborhood and that granting the requested relief will be consistent with the intent and purpose of the Building Code.

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

*Richard O. Aldrich*  
Richard O. Aldrich

*Dana T. Lowell*  
Dana T. Lowell

*F. Lester Fraser*  
F. Lester Fraser

Filed with Town Clerk \_\_\_\_\_

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PLAN OF LAND  
IN  
**WELLESLEY, MASS.**  
OWNED BY  
**LOUIS J. & JEAN M. VALENTE**  
SCALE 30 FEET TO AN INCH  
OCTOBER 5, 1966.  
GLEASON ENGINEERING COMPANY

SEAWARD ROAD

WASHINGTON STREET

