



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Appeal of Robert F. and Martha W. Faulkner

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 8:15 p.m. on April 29, 1969, on the appeal of Robert F. and Martha W. Faulkner, from the refusal of the Inspector of Buildings to issue a permit to them to construct an addition on the front of their dwelling at 8 Willow Road. The reason for such refusal was that said addition would violate 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 the 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 March 25, 1969, the Inspector of Buildings notified the appellants in writing that a permit could not be issued for the proposed construction and on March 27, 1969, the appellants took an appeal from such refusal. Thereafter due notice of the hearing was given by mailing and publication.

The appellants spoke in support of the request at the hearing.

Statement of Facts

The dwelling involved was built in 1926, on a lot containing 11,494 square feet, and was held of record under a separate and distinct ownership from adjacent lots on April 1, 1939.

The appellants seek permission to construct an addition 13.2' x 11.6' in front of the existing breezeway. It is proposed to combine the existing breezeway with the new addition and provide a living room area. The proposed addition, if built, will lie approximately twenty-seven feet from Willow Road, but will set back approximately two feet back of the line of the existing house and attached garage. It was stated that the house is small and that the proposed addition will provide additional space which is urgently needed. There is an existing foundation which was apparently put in some years ago by a prior owner of the property. This can be utilized, if permission is granted, which will make the addition less costly and in the most practical location.

Decision 77M 2 UN 3:32

The facts in this case 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 from the application of the front yard restriction of the Zoning By-law and a variance from the Building Code.

The house was built prior to the enactment of the front yard requirement and was held of record on April 1, 1939 under a separate and distinct ownership from adjacent lots. The lot is narrow, with a frontage of only 75' with the house located 25.5' from the street line, approximately eight feet from the lot line on the southerly side and approximately ten feet from the lot line on the northerly side. Therefore, because of the location of the house on the lot as well as the narrow width of the lot, it would not be possible to construct an addition elsewhere on the dwelling which would comply with the existing Zoning By-law and tie into the room arrangement of the house. Compliance, therefore, with the requirements of Section XIX of the Zoning By-law is impracticable because of the width and shape of the lot.

It is the further opinion of this Board that manifest injustice would result to the appellants if the requested variance is not granted, and that the provisions of the Building Code did not contemplate the circumstances of this specific case which involves no increase to the encroachment to the front yard. The Board feels that the proposed addition will not prove detrimental to the neighborhood nor derogate from the intent and purpose of the by-law.

It is, therefore, the unanimous opinion of this Board that permission may be granted for the proposed addition as shown on the plan submitted, drawn by Gleason Engineering Company, dated March 1, 1969, and on file with this Board, and the Building Inspector is hereby authorized to issue a permit for such construction.

  
Richard O. Aldrich

  
Dana T. Lowell

  
Robert T. Colburn

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

MAR 2 1969 3:32

RECEIVED  
TOWN CLERK'S OFFICE  
MAY 22 1969

PLAN OF LAND  
IN

# WELLESLEY MASS.

OWNED BY

**ROBERT F. & MARTHA W. FAULKNER**

Scale 40 feet to an inch

March 1, 1969

Gleason Engineering Company

