

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Appeal of Henry P. Woll

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 April 29, 1969, on the appeal of Henry P. Woll, from the refusal of the Inspector of Buildings to issue a permit to construct an addition on the side of the dwelling at 50 Highledge Avenue. The reason for such refusal was that said addition would violate Chapter IV, Section 1 (a) of the Building Code which requires that all Type V buildings shall be placed at least thirty feet from the side line of any public or private street and fifty feet from the center of the street and Section XIX of the Zoning By-law which requires that there shall be provided for every such dwelling a front yard at least thirty feet in depth.

On March 31, 1969, the Inspector of Buildings notified the appellant that a permit could not be issued for the proposed construction and on April 1, 1969, the appellant took an appeal from such refusal. Thereafter due notice of the hearing was given by mailing and publication.

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

Statement of Facts

The dwelling involved is located on the corner of Highledge Avenue and Woodside Avenue on a lot containing approximately 20,000 square feet, in a Single-residence District requiring a minimum lot area of 10,000 square feet. It was built prior to the enactment of the Zoning By-law requiring a thirty-foot front yard and the lot was held of record under a separate and distinct ownership from adjacent lots on April 1, 1939.

The appellant seeks permission to construct an addition 8' x 18' on the southerly side of his dwelling in order to enlarge his living room. The existing living room is very small and it was alleged that the proposed plan is the only feasible means of enlarging the room. While the proposed addition, if built, will lie only twenty-nine feet from Highledge Avenue, which is twenty feet in width, the front porch of the dwelling is approximately eight feet closer to the street line.

A plot plan, drawn by Edward P. Gavin, Registered Land Surveyor, dated March 29, 1969, was submitted which showed the dwelling and proposed addition on the lot.

Decision

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 and side yard restrictions 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. Although the lot contains approximately 20,000 square feet, the house is so situated on the lot that an addition which would enlarge the living room could not be constructed without encroaching into the front yard. Compliance, therefore, with the front yard requirement of thirty feet is virtually impossible because of the shape of the lot. It is the further opinion of this Board that manifest injustice would result to the appellant if the requested variance is not granted and that provisions of the Building Code did not contemplate the circumstances of this specific case which involves only a slight encroachment into the front yard requirement. The front porch of the dwelling is closer than the proposed addition will extend toward the street. The Board, therefore, feels that the proposed addition will not prove detrimental to surrounding properties 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 construction of an addition as shown on the plan submitted 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

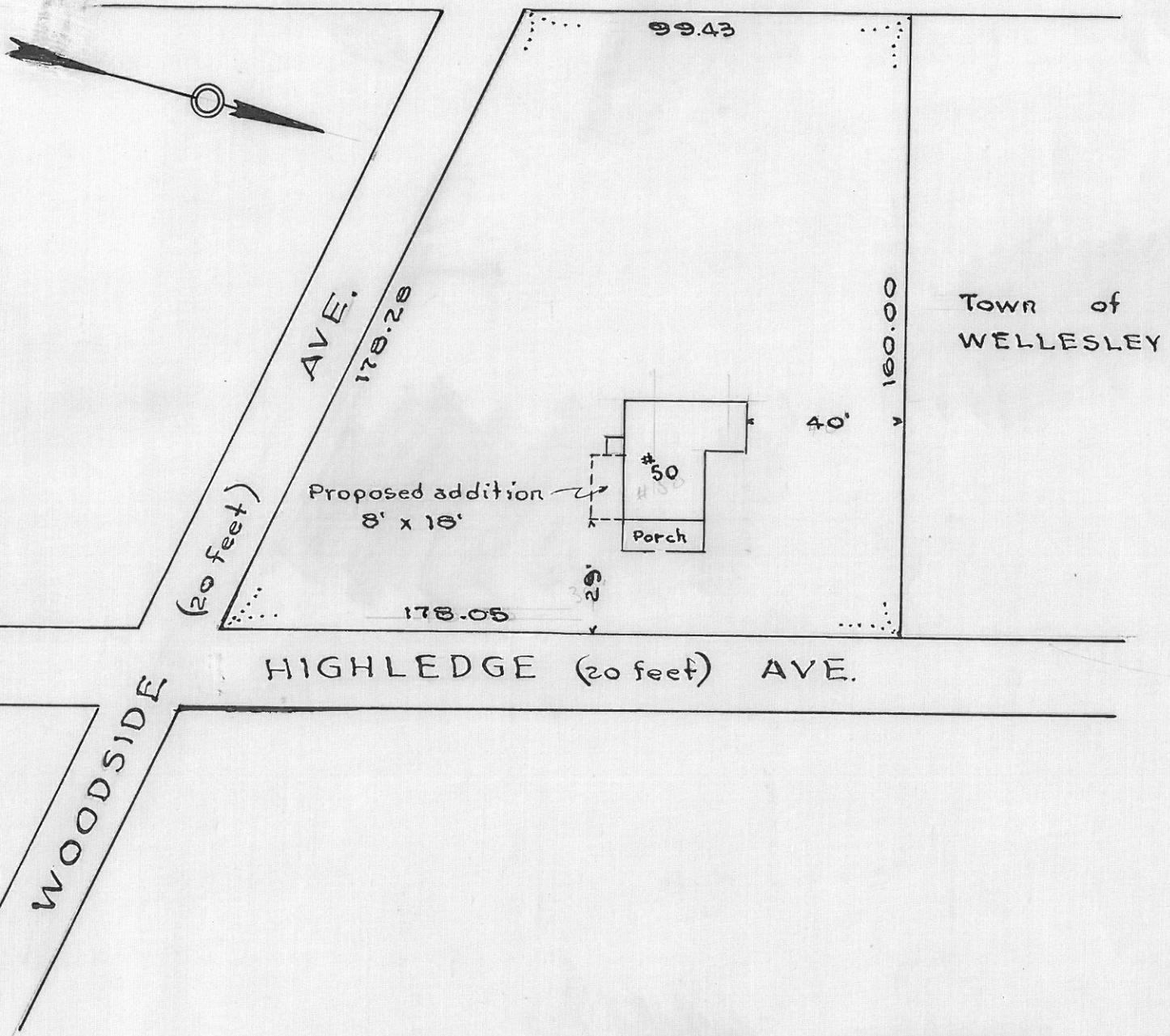
 Robert T. Colburn

Filed with Town Clerk _____

APR 20 1942

WATERVILLE
 ME
 1942

OVERBROOK (40 feet) DRIVE



Town of WELLESLEY

HIGHLEDGE (20 feet) AVE.

WOODSIDE

Plan of Land in the Town of
WELLESLEY

March 29, 1969

Scale: 40 feet to the inch

Edward P. Gavin

Reg. Land Surveyor

