



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of John G. and Helene K. Jostyn

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 8:35 p.m. on April 29, 1969, on the petition of John G. and Helene K. Jostyn, requesting a variance from the terms of Section XIX of the Zoning By-law which allow them to enclose the porch on the side of their dwelling at 24 Brookfield Road. Said request was made under the provisions of Chapter 40A, Section 15, of the General Laws.

On April 7, 1969, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

John G. Jostyn spoke in support of the request at the hearing.

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 1941 on a lot of land which was not held under separate ownership from adjacent lots on April 1, 1940.

The petitioners seek permission to enclose the existing porch on the side of the dwelling and convert it into a family room. The porch now stands in violation of Section XIX of the Zoning By-law as it lies only 13' from the boundary line rather than the required twenty feet. It was pointed out at the hearing that additional living space is urgently needed for the petitioners and their children. The house is small and the proposed enclosure will provide a useful room for the family. No further encroachment into the side yard will result from the proposed alteration, as there is to be no change made in the size of the existing porch.

A plot plan was submitted, drawn by Gleason Engineering Company, dated August 9, 1965, which showed the location of the existing dwelling and porch on the lot.

Decision

It is the unanimous opinion of this Board after viewing the premises that the requested 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.

The facts in this case do not 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, but the Board has considered the request under the provisions of Chapter 40A, Section 15,

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of the General Laws. In its opinion a literal enforcement of the applicable provisions of the Zoning By-law would result in substantial hardship to the petitioners.

Accordingly, the requested exception is granted and the Building Inspector is authorized to issue a permit for the proposed enclosure in accordance with the plan submitted and on file with this Board.

Richard O. Aldrich
Richard O. Aldrich

Dana T. Lowell
Dana T. Lowell

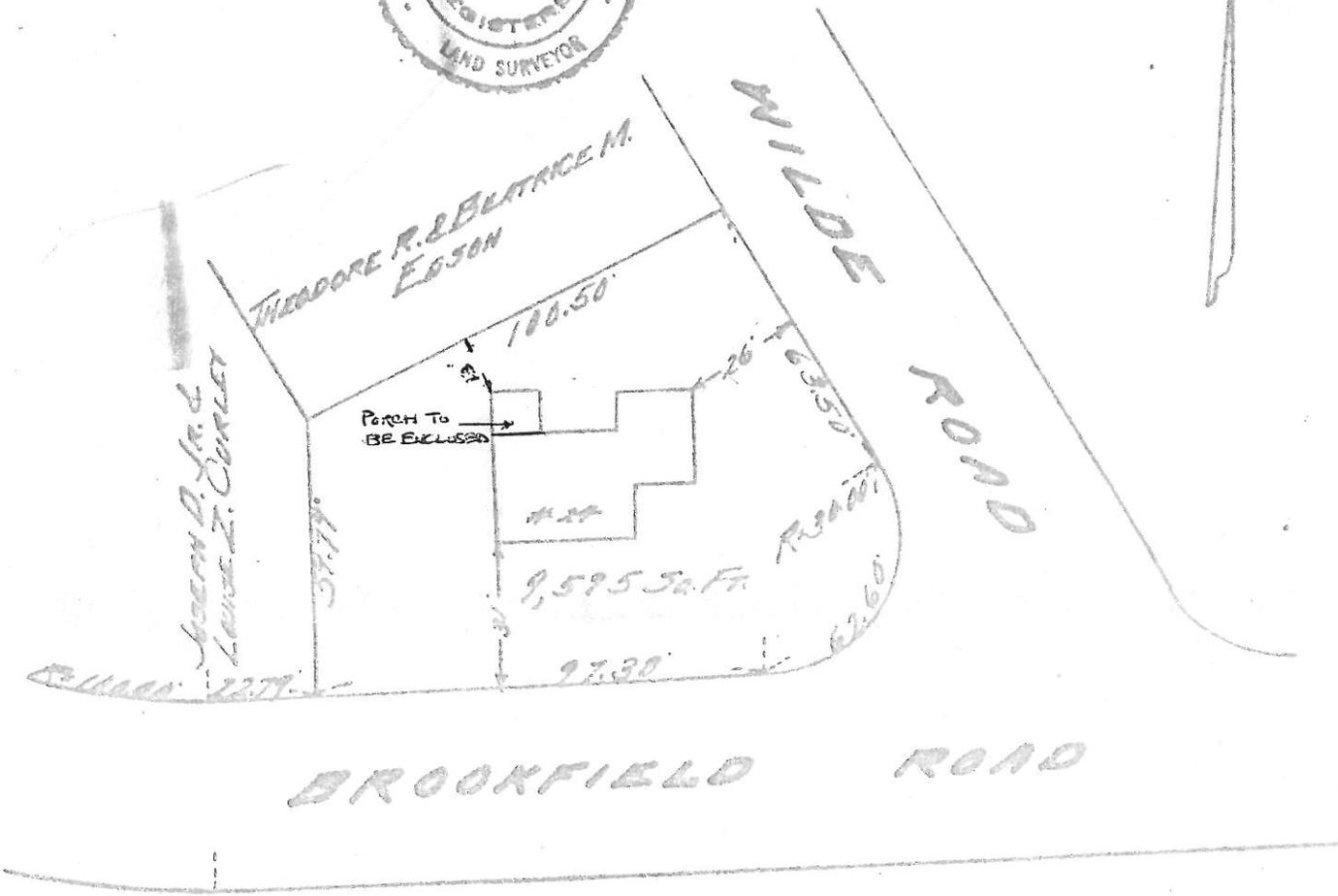
Robert T. Colburn
Robert T. Colburn

Filed with Town Clerk _____

1988 JUN 28 PM 3:32

MEETING ROOM
TOWN CLERK'S OFFICE
RECEIVED

PLAN OF LAND
 IN
WELLESLEY, MASS.
 OWNED BY
JOHN G. & HELENE K. JOSTYN
 SCALE 40 FEET TO AN INCH
 AUGUST 9, 1965.
 GLEASON ENGINEERING COMPANY



APPROVED BY BOARD OF APPEAL

Robert M. ...
F. Lester ...
Edward J. ...

DATE 10/27/65