



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Appeal of John M. and Adele Beggs

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 9:05 p.m. on April 29, 1969 on the appeal of John M. and Adele Beggs, from the refusal of the Inspector of Buildings to issue a permit to them to construct an addition on the side of their dwelling at 23 Pilgrim Road. The reason for such refusal was that said addition would violate Section XIX of the Zoning By-law which requires that there shall be provided for every building or structure a yard next to the streets at least thirty feet in depth and Chapter IV, Section 1 (a) of the Building Code which requires that Type V buildings shall be placed at least thirty feet from the side line of any public or private street and at least fifty feet from the center line of any public or private street. 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 April 4, 1969, the Inspector of Buildings notified the appellants in writing that a permit could not be issued for the proposed construction for the above-mentioned reasons, and on April 8, 1969, the appellants took an appeal from such refusal. Thereafter due notice of the appeal was given by mailing and publication.

John M. Beggs spoke in support of the appeal at the hearing.

Edward F. and Edith W. Adlum, 24 Pilgrim Road and Ernest M. Haddad, 6 Wilde Road, spoke in favor of the request at the hearing.

Statement of Facts

The house involved which was built in 1935, is located within a Single-residence District requiring a minimum lot area of 10,000 square feet. It is a corner lot containing 10,000 square feet.

The appellants seek permission to construct a two-story addition on the northwesterly corner of their house. The addition is designed to extend along Pilgrim Road 24'6" and along Wilde Road 31', and will provide a living room, den and porch on the first floor and two bedrooms and bathroom on the second floor.

It was stated at the hearing that the additional space which the addition will provide is urgently needed for the appellants' growing family and the appellants' parents who frequently visit with them. Architectural plans were drawn according to the original plot plan of the house and lot, but when the property was surveyed it was discovered that the proposed addition would be only 29' from Wilde Road rather than the required thirty feet and 30.3' from Pilgrim Road rather than thirty-three which is required in this specific case due to the setback of the other houses on the street. After considerable modification of the plans, it appeared that the proposed plan would be the most practical as well as the most attractive for the neighborhood.

A plot plan was submitted, drawn by Elton O. Stearns, dated April 1969, 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 I, Section 10 of the Building Code on which the Board's authority depends to grant a special exception from the application of the front and side yard restrictions of the Zoning By-law and a variance from the requirements of Chapter IV, Section 1, of the Building Code.

The house was built prior to the enactment of the yard requirements and was held of record on April 1, 1939 under a separate and distinct ownership from adjacent lots. The lot which contains 10,000 square feet, is a corner lot with the house located approximately in the center of the lot. It would not be possible, therefore, to construct an addition of practical size on the house without encroaching into the front and side yards. Compliance, therefore, with the yard restrictions is impracticable because of the shape of the lot and the location of the house on it.

The Board feels that there is a real need for the proposed addition and that manifest injustice would result to the appellants if the requested variance is not granted. It is the further feeling of the Board that the provisions of the Building Code did not contemplate the circumstances of this specific case, and that the proposed addition will not prove detrimental to the neighborhood nor derogate from the intent and purpose of the by-law.

Accordingly, the requested exception and variance are granted and the Inspector of Buildings is authorized to issue a permit for the proposed addition as shown on the plan submitted and on file with this Board.


Richard O. Aldrich


Dana T. Lowell


Robert T. Colburn

Filed with Town Clerk _____

1969 JUN 2 11 3:31

REGISTERED MAIL
TOWN CLERK'S OFFICE
RECEIVED

PLAN OF LAND

1/2

WELLESLEY, MASS.

OWNED BY

JOHN M. & ADELE BEGGS

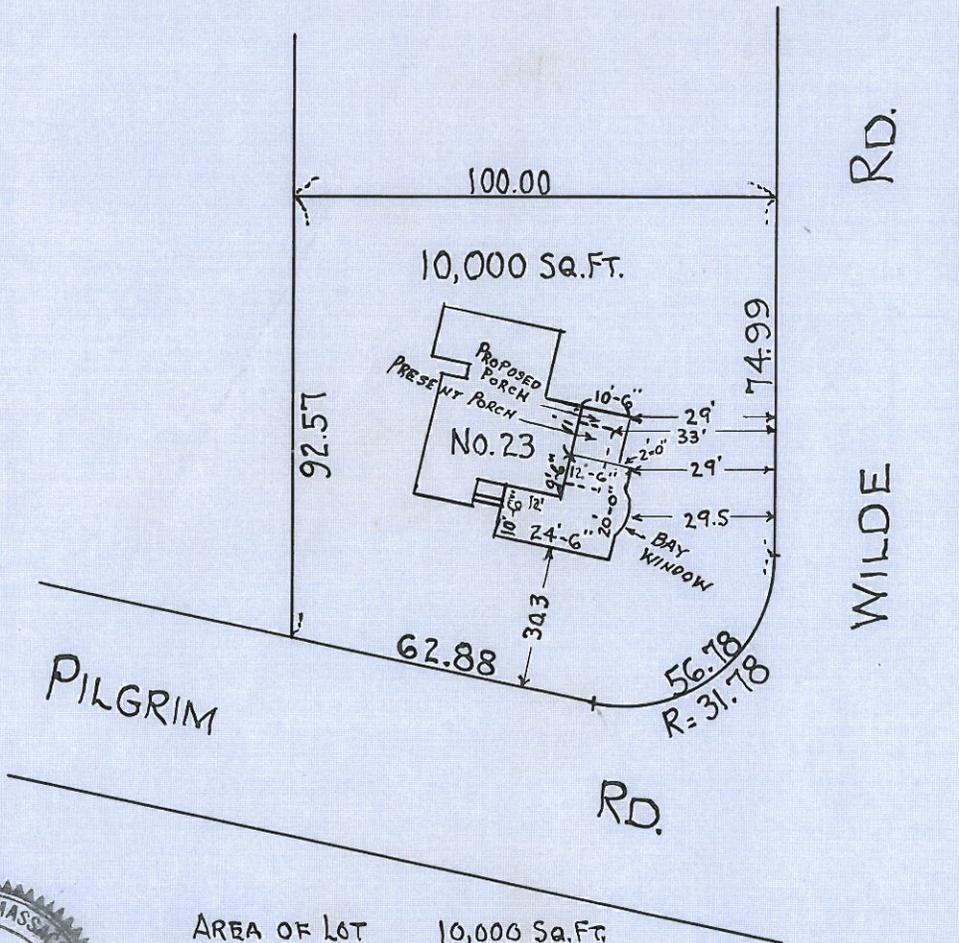
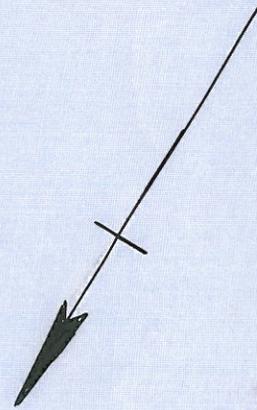
23 PILGRIM RD.

SCALE 1/2 IN. = 40 FT.

ROWLAND H. BARNES & Co., INC. CIVIL ENGINEERS

681 MAIN ST. WALTHAM, MASS.

APRIL 1969



AREA OF LOT 10,000 Sq. Ft.
AREA OF DWELLING 1,518 " "
DWELLING OCCUPIES 15.2% OF LOT AREA