



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Charles J. and Martha M. McCullough

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 July 24, 1969, on the petition of Charles J. and Martha M. McCullough, requesting an exception from the terms of Section XIX of the Zoning By-law which would permit the construction of a greenhouse and deck on the side of their dwelling at 59 Leighton Road with a side yard less than the required twenty feet.

On July 1, 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.

Charles J. McCullough spoke in support of the request at the hearing.

No objections were made at the hearing to the request.

Statement of Facts

The dwelling involved, which was built by the petitioners, in 1934, and occupied by them since then, is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

They now seek permission to remove an existing porch from the southerly side of their house and replace it with a greenhouse and deck. The proposed greenhouse is to be erected on the existing porch foundation, which is 8.5' x 16' with an additional 20" of foundation to be constructed to the east end. The wood deck which is to be 6' x 12.3' is to be erected at the rear of the greenhouse and will continue the line of the proposed greenhouse. The proposed construction will not encroach any closer to the side lot line, it was alleged, than the existing porch which is 10'. It will vary from 15' at the front corner to 10' at the rear corner. It was pointed out that at the time the house was constructed, the setback requirement from the side lot line was only ten feet and it was in compliance with the law at that time.

A plot plan was submitted, drawn by Gleason Engineering Company, dated June 26, 1969, which showed the existing dwelling on the lot and the proposed addition. Architectural plans were also submitted.

Decision

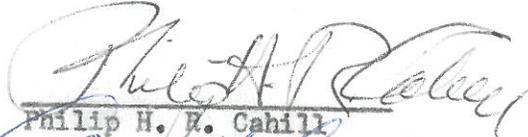
The facts in this case satisfy the conditions set forth in Section XIX of the Zoning By-law on which the Board's authority depends to grant a special exception from the application of the side yard restrictions of that section. The lot is irregular in shape with a frontage of

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100.36' tapering to 45.52' in the rear, which makes compliance with the law impracticable if any addition or replacement is to be made to the house. The lot was held under separate and distinct ownership from adjacent lots on April 1, 1940.

It is the unanimous opinion of this Board that the requested exception to construct the proposed addition will not encroach any closer to the side lot line than the existing sunporch which was built prior to the enactment of the by-law requiring a twenty-foot side yard. The petitioner's now find a greater need for a greenhouse and deck than the existing porch and it is the further opinion of this Board that a literal enforcement of the provisions of Section XIX of the Zoning By-law would involve substantial hardship, and permission can be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the by-law.

Accordingly, the requested exception is granted and the issuance of a permit for the proposed addition is hereby authorized in accordance with the plans submitted and on file with this Board.


Philip H. Cahill


Dana T. Lowell


F. Lester Fraser

Filed with Town Clerk _____

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PLAN OF LAND
IN
WELLESLEY, MASS.
OWNED BY
CHARLES J. & MARTHA McCULLOUGH

Scale 40 feet to an inch
June 26, 1969
Gleason Engineering Company

