

TOWN OF WELLESLEY



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69-65

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Petition of Florencio A. and  
Almeda A. Hipona

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 8:30 p.m. on October 30, 1969, on the petition of Florencio A. and Almeda A. Hipona requesting an exception from the terms of Section XIX of the Zoning By-law which will permit the construction of an addition on the rear of their dwelling at 57 Windsor Road with a side yard less than the required twenty feet.

On October 10, 1969, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Florencio A. Hipona spoke in support of the petition at the hearing.

A letter dated November 5, 1969, favoring the request was received from Mr. and Mrs. Joseph P. Herlihy, 59 Windsor Road. A letter dated November 6, 1969, favoring the request was also received from Thomas J. Cody, Jr., 66 Windsor Road.

A letter opposing the request was received from Mary E. Chapman, 61 Windsor Road.

J. Maxwell Colburn, 53 Windsor Road, spoke in opposition to the granting of the request. He stated his opinion that the construction as proposed would definitely lower the resale value of his house; that it would bring a two and one-half story structure within 16' of his lot line, and he expressed the further view that the proposed addition could be added to the rear of the house in a manner which would not be offensive.

Frank F. Homeyer, 56 Windsor Road, likewise spoke in opposition to the request, both as a neighbor and as a Town Meeting member. He contended that there was a solution to the petitioners' problem which could be accomplished without any exception from the Zoning By-law. The proposed addition, however, in his opinion would prove detrimental to the neighborhood.

Douglas W. Haward, 49 Windsor Road, also opposed the request. He also stated that an appropriate addition could be constructed elsewhere on the house and that the proposed addition would have a detrimental effect on property values in the neighborhood.

Statement of Facts

The house involved is located within a Single-residence District requiring a minimum lot area of 20,000 square feet.

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The petitioners seek permission to construct a two-story addition approximately 9.2' x 10' according to the plans filed with the Board on the southwest corner of their dwelling and to construct a second-story above the existing den on the same side of the house. The new construction, if allowed, will continue the side line of the existing house and will lie approximately 16.7' from the lot side line. It is designed to provide a bathroom on the second floor and to enlarge the den on the first floor. It was stated at the hearing that the house has only one and one-half baths and with a family of seven, an additional bathroom is urgently needed. The proposed addition will not encroach any nearer to the side line than the existing house, but merely extends upward and back a short distance. At present the petitioners are building a swimming pool at the rear of the house which prevents the construction of the addition in that location. The bathroom addition on the second floor will have no windows facing the Colburn house.

#### 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 the Zoning By-law.

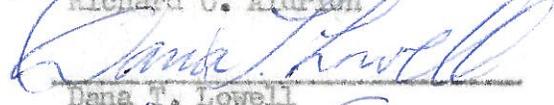
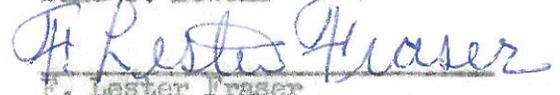
The house was built in 1928, prior to the enactment of the yard requirements and was held of record on April 1, 1940, under a separate and distinct ownership from adjacent lots. The lot which contains 12,974 square feet, is narrow, being 81.09' wide and 160' deep, with the house approximately centered between the two side lines. It would not be possible, therefore, to construct an addition of practical size and utility on either side without encroaching into the side yards.

= The proposed construction will not only provide an additional bathroom on the second floor, but will enlarge a den on the first floor which is now too small for practical use. The location of the den and the rear entrance to the house and the upper and lower floor plans make impractical and uneconomic alternative plans for constructing the additional facilities in another location. Compliance, therefore, with the yard restrictions is impracticable because of the width of the lot and the location of the house on it. In the opinion of the Board, the proposed addition will enhance the appearance of the house and will improve its value and the values of surrounding properties. The Board is further of the view that the requested relief can appropriately be granted as a variance under General Laws (Ter. Ed.) Chapter 40A, Section 15. The conditions and circumstances in this case do not affect generally the zoning district, and literal enforcement of the side yard restrictions would involve substantial hardship to the petitioners. The requested relief can be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law.

A plot plan was submitted, drawn by Cheney Engineering Co., Inc., Needham, Mass., which showed the existing house on the lot as well as the proposed addition. Said plan showed the house to be 16.7' from the lot line on the westerly side and the proposed addition to continue the same line as the house. Since the Colburn house is approximately 15 to 20 feet from the lot side line, the two houses will be at least thirty feet apart even after the proposed addition to the Hipona house.

Accordingly, the requested exception is 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, subject to the following condition:

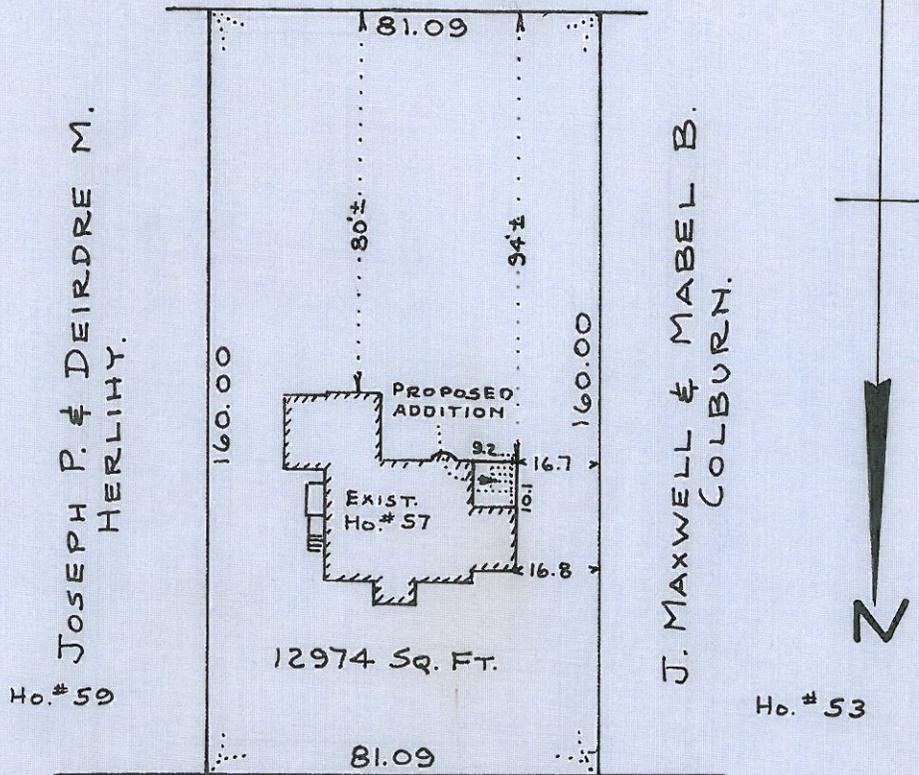
1. That the exterior walls of the entire house shall be repainted within sixty days following completion of the proposed addition.

  
Richard C. Aldrich  
  
Dana T. Lowell  
  
F. Lester Fraser

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

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TOWN OF WELLESLEY.



WINDSOR ROAD  
(PUBLIC)

PLAN OF LAND IN  
WELLESLEY, MASS.

SCALE: 1 INCH = 40 FEET  
SEPT. 23, 1969.

CHENEY ENGINEERING Co., INC.  
NEEDHAM, MASS.



TOWN OF WELLESLEY  
BOARD OF APPEALS

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