



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Appeal of Alfred Russell

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 8:40 p.m. on November 19, 1970, on the appeal of Alfred Russell from the refusal of the Inspector of Buildings to issue a permit to him to construct a dormer window on the front of his dwelling at 80 Edgemoor Avenue. The reason for such refusal was that said window would violate Chapter IV, Section 1, of the Building Code which requires that all such buildings shall be placed at least thirty feet from the side line of any public or private street and Section XIX of the Zoning By-law which requires that there shall be provided for every building or structure a front yard at least thirty feet in depth.

On October 29, 1970, the Inspector of Buildings notified the appellant in writing that his application for a permit had been refused for the above-mentioned reasons, and on November 2, 1970, the appellant took an appeal therefrom. Thereafter due notice of the hearing was given by mailing and publication.

The applicant was represented by his son at the hearing.

Statement of Facts

The house involved which was built prior to the enactment of Section XIX of the Zoning By-law and Chapter IV, Section 1, of the Building Code, is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The applicant seeks permission to construct a dormer window across the front of his dwelling in order to enlarge two existing bedrooms. The window, if built, will not extend beyond the side walls of the house. The roof presently is in need of repair and will have to be replaced in any event if the request is not granted. It was pointed out that the bedrooms are now very small and the proposed dormer window, if built, will provide adequate space for two more usable rooms.

A plot plan was submitted, drawn by H. W. Whittier, C. E., dated August 26, 1952, which showed the dwelling on the lot to be located twenty feet from the street line rather than the required thirty feet.

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 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. The Board feels that as there will be no increase in the encroachment in the front yard that the proposed dormer window will not prove detrimental to the public good nor derogate from the intent and purpose of the by-law. 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 the provisions of the Building Code did not contemplate the circumstances of this specific case which involves only changing the roof line.

It is, therefore, the unanimous opinion of this Board that the requested permission and variance may be granted for the construction of a dormer window across the front of the dwelling 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
Richard O. Aldrich

F. Lester Fraser
F. Lester Fraser

Edward T. Kilmain
Edward T. Kilmain

Filed with Town Clerk _____

1940 DEC 20 11 0:51

RECEIVED 1940
TOWN CLERK'S OFFICE

1

UPLAND RD.

120.0

PARCEL 2

80.0

80.0

120.0

NATICK
WELLESLEY

40.0

PARCEL 1

80.0



80.0

EDGEMORE AVE.

PLOT PLAN
IN

NATICK, WELLESLEY MASS.

SCALE 1 in. = 30 ft. AUG. 26, 1952

H. W. WHITTIER C. E.

APPLICANT ALFRED & PEARL L. RUSSELL