

72-51

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Appeal of Harlene J. White

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 8:25 p.m. on September 28, 1972, on the appeal of Harlene J. White, from the refusal of the Inspector of Buildings to issue a permit for the construction of an addition on the side of her dwelling at 28 Edgemoor Avenue. The reason for such refusal was that the construction of such addition would violate Section 311.6, Location of Buildings, of the BOCA Basic Building Code of Wellesley, which requires that all such buildings shall be placed at least thirty feet from the side line of any public or private street and all Type IV buildings shall be placed at least fifty feet from the center line of any public or private street and Section XIX of the Zoning By-law which requires that there shall be provided a front yard at least thirty feet in depth for all such additions. Said appeal was taken under the provisions of Section 127.2 of the BOCA Basic Building Code and Section XIX of the Zoning By-law.

On September 11, 1972, the Building Inspector notified the appellant in writing that a permit for the construction involved could not be issued for the above-mentioned reasons. On the same date the appellant took an appeal from such refusal and thereafter due notice of the hearing was given by mailing and publication.

The appellant spoke in support of the request at the hearing.

Statement of Facts

The house involved was built over fifty years ago, prior to the effective date of the above-mentioned By-laws, and is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The appellant seeks permission to construct a one-story addition approximately 15' x 18' on the southerly side of the dwelling which will provide a downstairs bedroom. The existing dwelling lies 26.9' from the side line of Edgemoor Avenue and 36.9' from the center of the street, and the proposed addition, if built, will lie 29.9' from the side line of the street and 39.9' from the center line at the nearest point. The proposed location of the addition appears to be the most practical place for it due to the room layout on the first floor, it was stated, and has been designed as an attractive addition to the house. The existing house lies only 7.6' from the rear lot line, therefore, it would not be possible to construct an addition of any size on the rear. It was stated that the house presently has two bedrooms on the second floor which are now occupied by the appellant's teenage son and daughter and the first floor consists of a single room, partially divided, and used as a kitchen and bedroom.

Decision

The Board finds that a real need exists for the proposed addition and 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 front yard restrictions of that section. The lot

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which contains 9,085 square feet with a dwelling thereon has a frontage of 140.00' and a depth of only 64.00' on the northerly side and 66.50' on the southerly side. The shape and depth of the lot, therefore, do not lend themselves to the construction of an addition on either the front or rear of the house in compliance with the by-laws. The dwelling involved was built on a lot which was held of record on April 1, 1939 under a separate and distinct ownership from adjacent lots. It is, therefore, the opinion of this Board that compliance with the by-law is impracticable because of the depth and shape of the lot.

It is the further belief of this Board that manifest injustice would result to the appellant if the requested variance is not granted and that the provisions of the BOCA Basic Building Code, Section 311.6, did not contemplate the circumstances of this specific case. It is the opinion of the Board that the proposed addition could not be constructed of any reasonable size, unless it encroached into the required thirty-foot front yard, and virtually no addition could be built on the rear of the house.

Accordingly, the requested exception and variance are granted and the Inspector of Buildings is authorized to issue a permit for the proposed addition in accordance with the plot plan on file with this Board, drawn by John J. Regan, Land Surveyor, Newton Highlands, dated July 25, 1972.

*Richard O. Aldrich*  
 Richard O. Aldrich

*Dana T. Lowell*  
 Dana T. Lowell

*F. Lester Fraser*  
 F. Lester Fraser

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

APR 9 4 22 AM '73  
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 NEWTON HIGHLANDS

n. or f. Gietzen

n. or f. Kidder

Lloyd G. & Frances J. Crouse

James H. & Barbara Campbell

100.05

40.00

Lots 38-44  
9085 s.f.

44.7

48.4

proposed  
addition

existing  
house  
# 28

53.0

64.00

36.4 to center line  
26.4 to side line

29.9  
39.9

26.9  
36.9

140.00

20.0

EDGEMOOR

AVENUE

20.0

Alfred N. & Harriet L. Fisher

# PLAN OF LAND IN

## WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF  
HARLENE J. WHITE

SCALE 1 IN = 20 FT  
APEX ASSOCIATES  
NEWTON HIGHLANDS



*John J. Regan*

JULY 25, 1972  
LAND SURVEYORS  
MASS.