

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 Paul E. and Dora Carter

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 8:10 p.m. on April 27, 1972, on the appeal of Paul E. and Dora Carter from the refusal of the Inspector of Buildings to issue a permit to them to construct a dormer window on the southerly side of their dwelling at 9 Wilson Street and a porch on the northerly side of the house. The reason for such refusal is that said construction would violate Section 311.6, Location of Buildings, of the BOCA 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 for all such buildings a side yard not less than twenty feet in width and a front yard not less than thirty feet in depth. Said appeal was made under the provisions of Section 127.2 of the BOCA Basic Building Code of Wellesley and Section XIX of the Zoning By-law.

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On April 12, 1972, the Building Inspector notified the appellants in writing that a permit for the construction involved could not be issued for the above-mentioned reasons. On April 14, 1972, the appellants took an appeal from such refusal and thereafter due notice of the hearing was given by mailing and publication.

Paul E. Carter spoke in support of the request at the hearing.

A letter favoring the request was received from Richard E. Marchetti, 50 Wellesley Avenue.

No objections were made at the hearing to the granting of the request.

Statement of Facts

The house involved was built approximately seventy-five years ago, prior to the enactment of the Zoning By-law requiring a twenty-foot side yard and a thirty-foot front yard, and is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The appellants seek permission to construct a shed dormer window along the southerly side of their dwelling to provide a bedroom for the appellants' growing family. They also request permission to construct a room approximately 14' x 22' on the northerly side of the dwelling. It was stated that the appellants' have three daughters with only two bedrooms upstairs and one bedroom on the first floor. Their living room is very small and it is their desire to construct a family room off the living room which, if built, will provide the additional needed space. It was also pointed out that the desired dormer window will not encroach any nearer to the side lot line than the existing house nor will the proposed addition encroach any nearer to the street line than the existing house.

A plot plan was submitted, drawn by Robert G. Nelson, Registered

Land Surveyor, Framingham, Mass., which showed the existing dwelling on the lot as well as the proposed addition. Said plan showed the house to be 10' from the lot line on the southerly side and the proposed addition on the northerly side to be 13.0' from Wilson Street and a continuation of the existing house line.

Decision

The facts in this case satisfy the conditions set forth in Section XIX of the Zoning By-law and Section 127.2 of the BOCA Basic Building Code of Wellesley, on which the Board's authority depends to grant a special exception from the application of the side yard and 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 and the side yard requirements and was held of record on April 1, 1939, under separate and distinct ownership from adjacent lots. While the lot contains 12,030 square feet, it is narrow with a depth of only 61.00' and the house is so situated on the lot, that a dormer could not be constructed on the side involved without encroaching into the required twenty-foot side yard. Likewise the proposed addition could not be constructed of any reasonable size, unless it encroached into the required thirty-foot front yard. However, there is no further encroachment into the side yard or the front yard than exists presently. It is the belief of this Board that manifest injustice would result to the appellants if the requested variance is not granted and that the provision of the Building Code did not contemplate the circumstances of this specific case. It is the further belief of this Board that the proposed construction will not prove detrimental to the public good 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 work in accordance with the plans submitted and on file with this Board.

Richard O. Aldrich
Richard O. Aldrich
Dana T. Lowell
Dana T. Lowell
Robert T. Colburn
Robert T. Colburn

Filed with Town Clerk _____

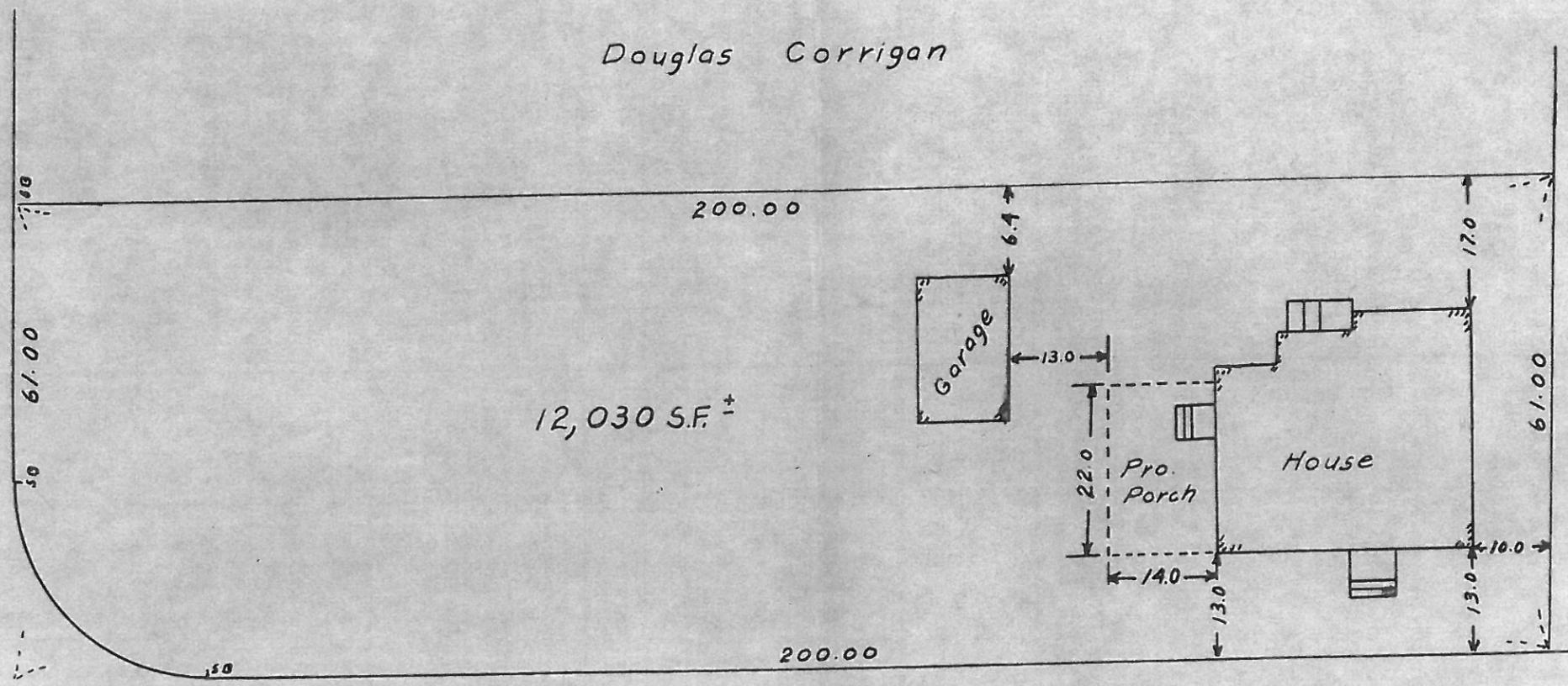
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Douglas Corrigan

William Huck

COTTONWOOD ST.



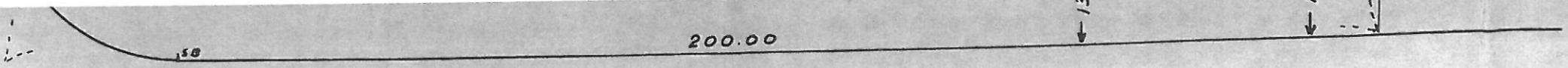
Ann Leveroni

WILSON

ST.

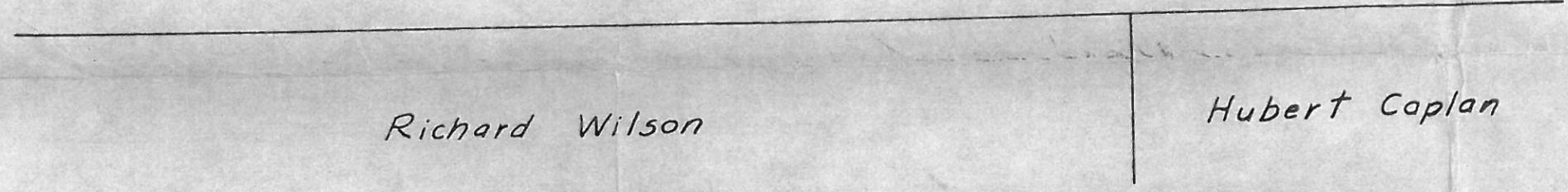
Richard Wilson

Hubert Caplan



WILSON

ST.



Richard Wilson

Hubert Caplan

PLOT PLAN OF LAND IN
WELLESLEY, MASSACHUSETTS
PROPERTY OF PAULE. & DORA CARTER
SCALE 1"=20' MARCH 28, 1972
ROBERT G. NELSON REG. LAND SURVEYOR
180 SUMMER ST. FRAMINGHAM, MASS.

