

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of James G. King and Susan W. King

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 8:45 p.m. on December 7, 1972, on the petition of James G. King and Susan W. King, requesting an exception from the terms of Section XIX of the Zoning By-law which will allow them to enclose an existing porch on the rear of their dwelling at 44 Whittier Road with a side yard less than the required twenty feet.

On November 24, 1972, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Susan W. King spoke in support of the request at the hearing.

Statement of Facts

The dwelling involved is located within a Single-residence District requiring a minimum lot area of 15,000 square feet, and was built prior to the enactment of Section XIX of the Zoning By-law requiring a minimum twenty-foot side yard.

The petitioners seek permission to enclose the existing porch on the rear of their dwelling in order to provide an additional room. The porch is approximately 9.6' x 16.4' and lies 17.2' from the lot line on the southerly side. It was pointed out that because of the width of the lot and the location of the house on the lot, it would not be possible to construct an addition of suitable size and comply with the Zoning By-law.

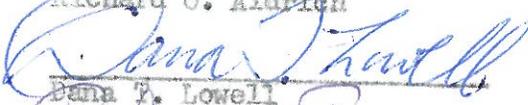
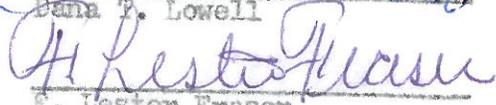
A plot plan was submitted, drawn by Joseph Selwyn, Civil Engineer, Belmont, which showed the location of the dwelling on the lot, as well as the size and distance of the porch from the side lot line.

Decision

The Board has made a careful study of the facts in this case and has taken a view of the locus. It is the opinion of this Board that a real need exists for the additional space which the proposed enclosure will provide, and that it will not reduce the value of any property within the district or otherwise injure the neighborhood.

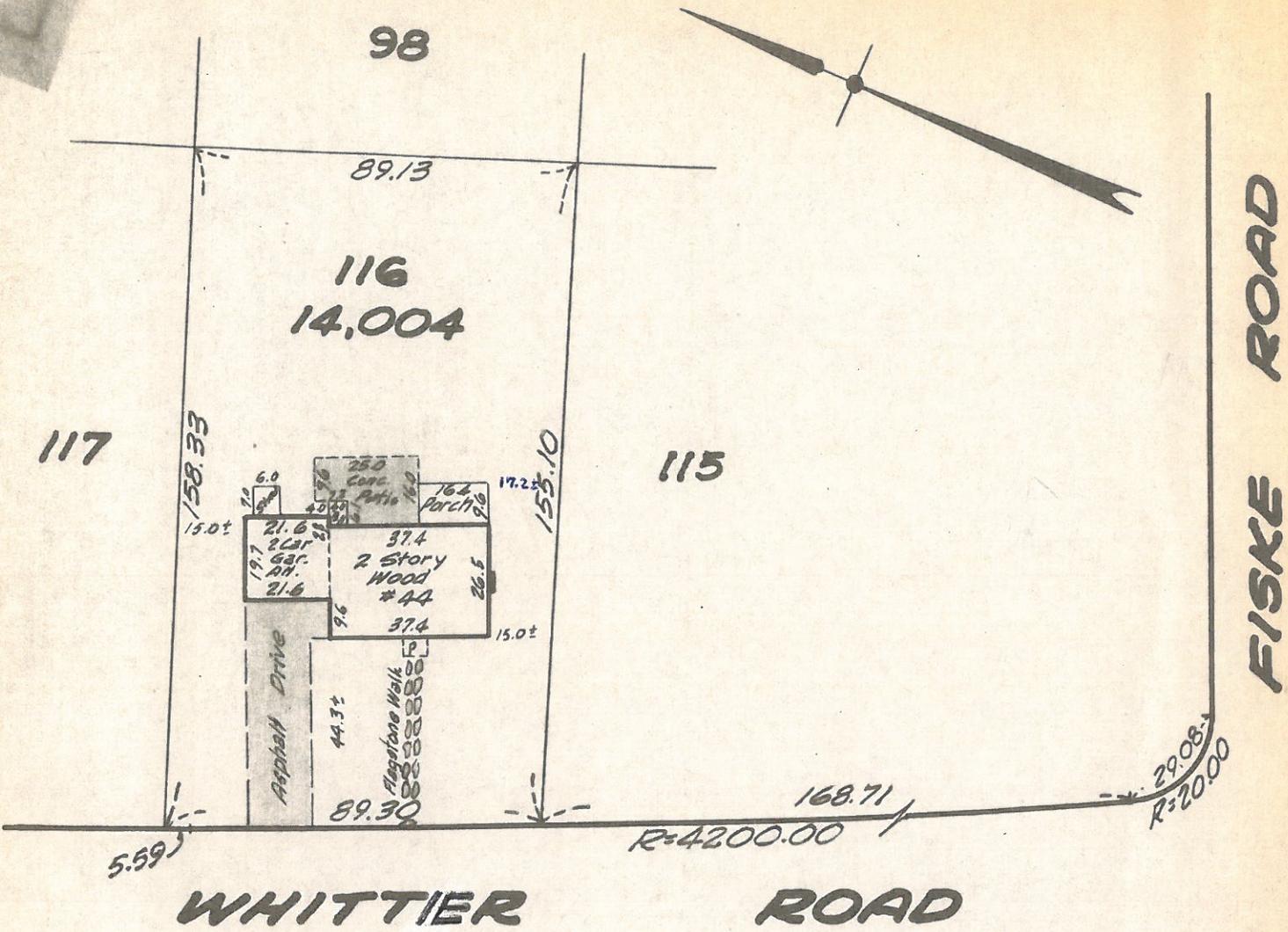
The lot is narrow, only 89' in width, which makes compliance with the requirements of Section XIX of the Zoning By-law impracticable because of its width and shape. It was held of record on April 1, 1940 under a separate and distinct ownership from adjacent lots. Therefore, the facts in this case satisfy the conditions set forth in Section XIX of the Zoning By-law on which the Board's authority depends to vary the requirements of the side yard restrictions of the Zoning By-law.

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


Richard O. Aldrich

Dana F. Lowell

F. Lester Fraser

Filed with Town Clerk _____

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MORTGAGE SURVEY PLAN

Location **WELLESLEY**

Scale 1 in. = 40 ft. Date *Sept. 16, 1972*

Plan reference: *Being lot 116 on a plan by G.B. Humphrey, Engineer for Court dated Sept. 13, 1934. Recorded in the Land Court Plan No. 7129K. Filed with Cert. No. 10521 Book 53 Page 121.*

JOSEPH SELWYN, Civil Engineer
14 Linden Avenue, Belmont

I hereby certify that the building shown on this plan is located on the ground as shown thereon and that it conforms to the zoning and building laws of the town of *Wellesley* when constructed and to restrictions on record.

Joseph Selwyn

237-1080

Mr. and Mrs. James G. King

This plot plan was not made from an instrument survey and is drawn for the use of the mortgagee, for mortgage purposes only.