



Henry H. Thayer
 THEODORE C. MERLO
 F. LESTER FRASER
 WILLIAM O. HEWETT

BOARD OF APPEAL

KATHARINE E. TOY
 Administrative Secretary
 Telephone
 235-1664

Petition of Walter E. Hurley

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 8:00 p.m. on June 26, 1975 on the petition of Walter E. Hurley, requesting a special exception from the terms of Section XIX of the Zoning By-law which will permit him to construct a deck on the rear of his dwelling at 14 Woodlawn Avenue with a side yard less than the required twenty feet.

On June 9, 1975, the petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

The petitioner 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 10,000 square feet. It was built prior to the enactment of the By-law requiring a twenty-foot side yard on a lot containing 9,800 square feet.

The petitioner seeks permission to construct a deck 16' x 23' across the rear of his dwelling which will lie 13'6" from the lot line on the northerly side. It was pointed out that the need to extend the deck across the back is so that sliding glass doors can be installed from the dining room onto the proposed deck, thus making the deck more accessible and usable. It was also pointed out that although the deck will be only 13'6" from the lot line the existing house is only 11' from the same line. It is the opinion of the petitioner that the proposed deck as designed will improve the house architecturally and therefore improve the neighborhood.

A plot plan drawn by Everett M. Brooks Co., Inc., Newtonville, was submitted which showed the existing dwelling and the proposed deck.

Decision

It is the unanimous opinion of this Board, after viewing the premises, that the requested special exception may be granted. The Board agrees with the petitioner that the proposed deck will not only prove beneficial to the petitioner, but will improve the property.

Due to the width and shape of the lot and the location of the dwelling on it, compliance with the requirements of Section XIX of the Zoning By-law is impracticable. The lot 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. The proposed deck will not encroach into the side yard any more than the existing house; it will, in fact, set back slightly more than the existing house.

It is, therefore, the unanimous opinion of this Board that the requested exception may be granted for the proposed deck 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.

Henry H. Thayer

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F. Lester Fraser

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Filed with Town Clerk _____

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