

75-21

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY  
Administrative Secretary  
Telephone  
235-1664

Petition of Clifford N. Baden

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 8:15 p.m. on June 26, 1975, on the petition of Clifford N. Baden, requesting a special exception from the terms of Section XIX of the Zoning By-law which will permit him to enclose an existing porch on the side of his dwelling at 58 Leighton Road with a side yard less than the required twenty feet.

On June 4, 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 was built in 1937, prior to the enactment of the Zoning By-law requiring a twenty-foot side yard, on a lot containing 10,000 square feet. It is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The petitioner seeks permission to enclose an existing porch on the northerly side of his dwelling to provide additional living space. It was stated that the living room in the house is only 12' x 16' which does not allow space for the petitioner's piano. It was further stated that the proposed enclosure would involve a minimum of additional work on the house. The porch has a finished floor and a gabled roof already in place so that the work proposed would only involve enclosing the three exposed walls, not changing the architectural plan of the house.

A plot plan was submitted, drawn by Joseph Selwyn, dated January 19, 1974, which showed the location of the dwelling on the lot with the existing porch twelve feet from the northerly side line.

Decision

The Board has taken a view of the locus and has studied the evidence submitted, and is of the opinion, that the proposed porch enclosure will not prove detrimental to the public good nor derogate from the intent or purpose of the by-law. In its opinion, there is a real need for the additional space which the proposed enclosure will provide.

The lot is relatively narrow with a width of approximately eighty feet and because of the size of the house and its location on the lot, compliance with the requirements of Section XIX of the Zoning By-law is 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 enclosure in accordance with the plan submitted and on file with this Board is hereby granted.

Henry H. Thayer  
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F. Lester Fraser  
F. Lester Fraser  
William O. Hewett  
William O. Hewett

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

7/12 10 57 AM '12  
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TOWN CLERK'S OFFICE

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37

41

600

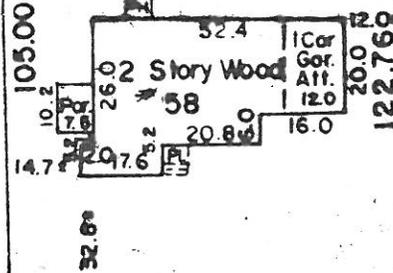
145.00

225.00

Cora E. Nye and  
Isabel G. Weston

Alden H. and  
Mary W. Clark

58  
10,004



William W. Jump

← 950. ± to Homestead Rd.

11.32

69.92

R=2144.80

LEIGHTON

ROAD

### MORTGAGE SURVEY PLAN

Location **WELLESLEY**

Scale 1 in. = 40 ft. Date January 19, 1974

Plan reference: Being lot 58 on a plan  
by A. Stewart Cassidy, Engineer

dated May 12, 1937

Recorded in Norfolk Registry of Deeds

Book 2142, Page 604

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*

*Clifford Baden*

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