78-32

TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

FRANCIS L. SWIFT, Chairman
WILLIAM O. HEWETT
WILLIAM E. POLLETTA
WILLIAM F. CULLINANE
FRANKLIN P. PARKER
JOHN A. DONOVAN, Jr.

KATHARINE E. TOY
Administrative Secretary
Telephone
235-1664

Petition of James W. Kerley

Pursuant to due notice the Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8: pm on September 14, 1978, on the petition of James W. Kerley, requesting a variance from the terms of Section XIX of the Zoning By-law, which will allow the construction of an addition on the rear of the dwelling at #1 Intervale Road with a side yard less than the required twenty feet. Said request was made under the provisions of Section XXIV-D of the Zoning By-law.

On August 25, 1978, the petitioner filed his request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

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

Carl B. and Arline A. Turner, 5 Intervale Road spoke in favor of the request.

Statement of Facts

The property involved is located within a Single Residence District requiring a minimum lot area of 10,000 square feet. The house was built prior to the twenty-foot side yard requirement, on a lot containing 8,847 square feet.

The petitioner now has a small storage porch 7' x 8', which he would like to remove and in its place construct an extension 7.7'x 11'6", to his existing glassed and screen porch, and convert it into a permanent room approximately 11' x 15'. He also wishes to build a deck 7.7' x 8'6", in the adjacent space between the garage and the new room.

It was pointed out that the proposed addition, if built, would be 10' from the lot line on the northwesterly side, and not as close to the lot line as the existing house. It was further pointed out that due to the location of the house on the lot, little space remains where an addtional room could be provided which would conform with the Zoning By-law.

A plot plan was submitted, drawn by Charles B. Thompson, Land Surveyor, dated August 14, 1978, which showed the existing house on the lot as well as the proposed additions.

Decision

The Board has made a careful study of the evidence submitted and has taken a view of the locus.

In its opinion, the enlargement of the existing porch and conversion into a permanent room as well as the proposed deck, will not prove detrimental to the neighborhood. It appears to be the only feasible place it can be constructed to provide the space needed due to the location of the house on the lot. The lot, which contains only 8,847 square feet, is a corner lot which has greater restrictions imposed upon it than it would otherwise.

Therefore, it is the unanimous opinion of this Board that owing to circumstances relating to the shape of the remaining lot, a literal enforcement of the provisions of Section XIX of the Zoning By-law would involve substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law.

Accordingly, the requested variance is granted and the Building Inspector is authorized to issue a permit for the proposed additions as shown on the plan submitted and on file with this Board, drawn by Charles B. Thompson, Land Surveyor, dated August 14, 1978.

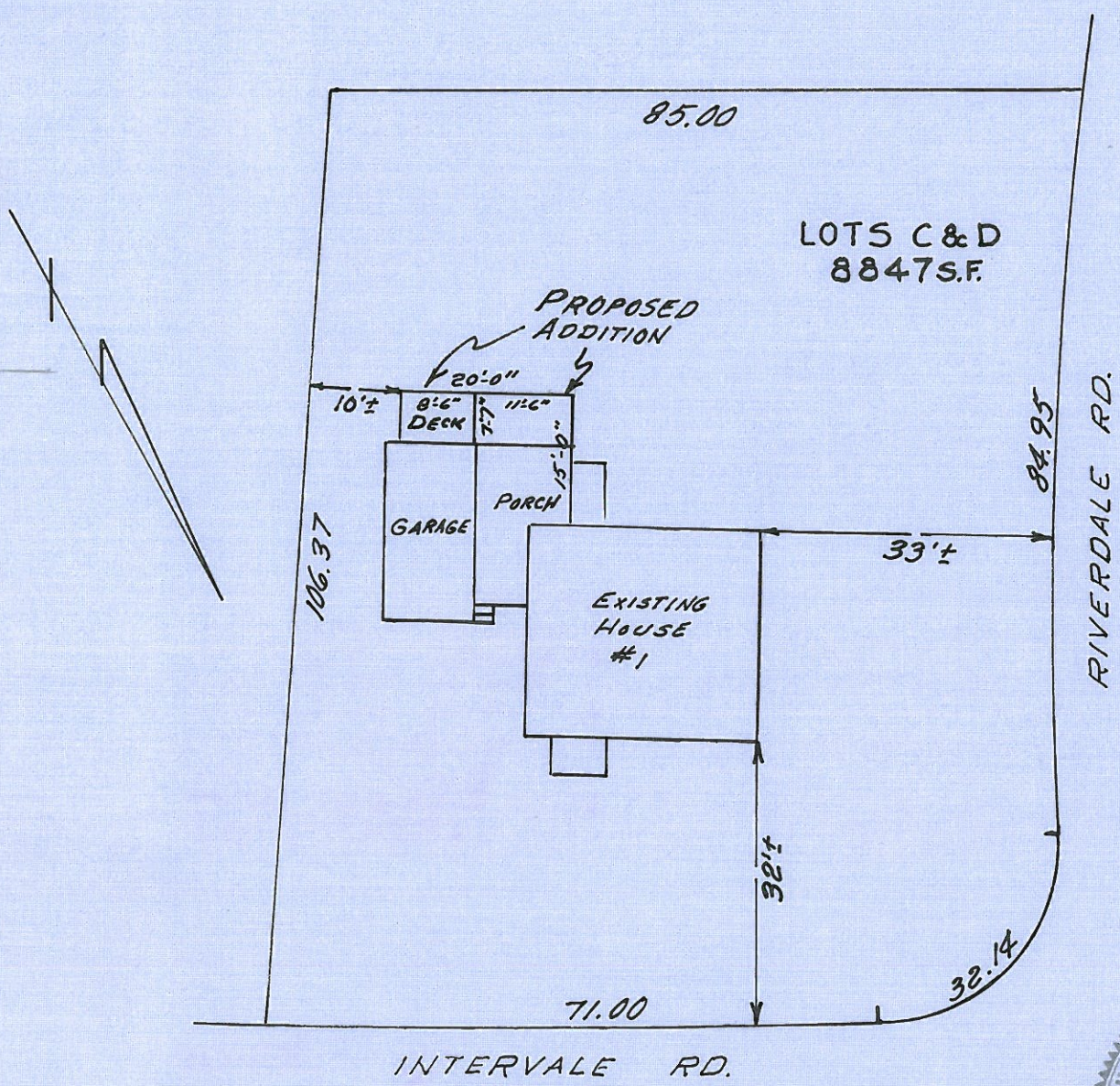
Francis L. Swift

William E. Polletta

William F. Cullinane

Filed with Town Clerk _____

Copies of the decision and all plans referred to in this decision have been filed with the Planning Board and with the Town Clerk.



COMMONWEALTH OF MASSACHUSETTS
CHARLES D. THOMPSON
No. 14675
REGISTERED LAND SURVEYOR

Charles D. Thompson

PLAN OF LAND

IN

WELLESLEY MASS.

SCALE: 1 IN. = 20 FT.

AUG. 14, 1978

EVERETT M. BROOKS CO.
NEWTONVILLE

CIVIL ENG'RS.
MASS.

13504