



ZONING BOARD OF APPEALS

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KATHARINE E. TOY
 Administrative Secretary
 Telephone
 235-1664

Petition of Richard T. and Devon W. Hildreth

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 8:00 p.m. on April 27, 1978, on the petition of Richard T. and Devon W. Hildreth, requesting a variance from the terms of Section XIX of the Zoning By-law, which will allow the construction of a shed dormer window on the rear of the dwelling at 4 Oakland Street, with a side yard less than the required twenty feet and a front yard less than the required thirty feet. Said request was made under the provisions of Section XXIV-D of the Zoning By-law.

On April 11, 1978, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Richard T. Hildreth spoke in support of the petition at the hearing. Lee H. Smith, 6 Oakland Street, spoke in favor of the request.

Statement of Facts

The house involved is approximately a hundred years old, prior to the enactment of Section XIX of the Zoning By-law requiring a twenty-foot side yard and a thirty-foot front yard.

The petitioners seek a variance to extend an existing dormer window on the rear of their dwelling so that an additional second-story bedroom and bathroom can be constructed. It was stated that the proposed extension of the dormer toward the south end of the house is desired not only to provide a needed additional bedroom and second-story bath, but also to eliminate the lack of headroom in the passageway leading from the back stairs and the south bedroom to the existing bathroom. The house is a "salt-box" type house, it was stated, which consists of a single-story structure in the rear with a roof line running from the peak of the house to the single story wall in the rear. The house now has only two bedrooms and one bathroom. A very small shed dormer was constructed in the rear of the house about 1940, to provide a small bathroom and closet area., it was stated, and in 1977, the petitioners obtained a permit to enlarge that existing dormer to extend toward the north end of the house in order to provide a third bedroom.

It was explained that the proposed construction would not extend as far into the front yard or side yard as the existing structure, nor would it be as high as the existing peak of the house. It was further explained that a literal enforcement of the side yard and front yard requirements would involve a substantial hardship, both financially and physically, to the petitioners, owing to both the shape of the house and the shape of the lot itself.

A plot plan was submitted, drawn by Robert Gordon Nelson, Land Surveyor, dated September 12, 1977, which showed the existing house on the lot and indicating the location of the proposed dormer window extension.

Said plan showed the existing house to be located 4.5' from the southeasterly lot line and 11' from Oakland Street, with the proposed dormer to be approximately six feet from the side line at the nearest point and approximately twenty-six feet from the front line, (Oakland Street).

Plans were also submitted which showed the elevations of the house as well as the second-floor layout.

Decision

It is the opinion of this Board, after a careful study of the evidence submitted and a view of the locus, that a real need exists for the proposed bedroom and bathroom, and that the proposed plan appears to be the only practical and feasible place it can be constructed to provide the needed space. The dormer extension, if built, will not encroach any closer to the side lot line or street than the existing house, and, in the opinion, of this Board, will not prove detrimental to the area.

The lot involved is a corner lot, with the existing house located in the extreme southwesterly corner of the lot. Due to the location of the house on the lot, it appears to this Board, that the petitioners would have difficulty to find any space on the lot upon which to construct an addition which would comply with the Zoning By-law and provide the needed space.

Therefore, it is the unanimous opinion of this Board that owing to the shape of the lot as well as the topography of the building, a literal enforcement of the provisions of Section XIX of the Zoning By-law would involve substantial hardship to the petitioners. It is the further opinion of this Board 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 dormer window extension as shown on the plan submitted and on file with this Board, drawn by Robert Gordon Nelson, Land Surveyor, dated September 12, 1977.

NOV 23 11 23 AM '77
TOWN CLERK'S OFFICE
TOWN RECEIVED

Filed with Town Clerk _____

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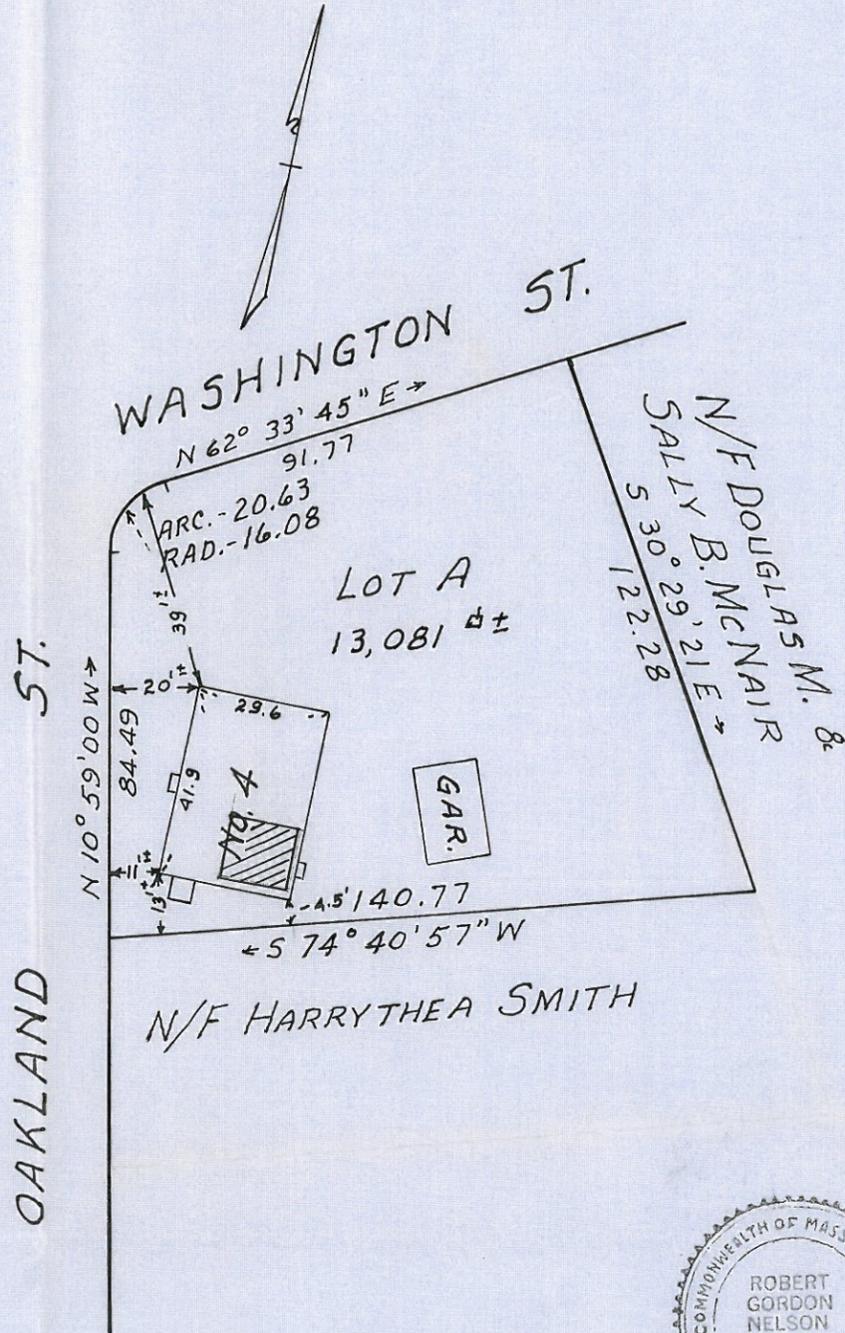
Copies of the decision and all plans referred to in this decision have been filed with the Planning Board and the Town Clerk.

NOTE: /// AREA FOR PROPOSED 15' x 4.5' DOORWAY EXTENSION

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED:



FIELD SURVEY OF AUG. 27, 1977



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASS.

Robert G. Nelson
REG. LAND SURVEYOR

PLAN OF LAND IN WELLESLEY, MASS.
OWNED BY
RICHARD T. & DEVON W. HILDRETH
Scale: 1 in. = 40 ft. Sept. 12, 1977
NELSON & McLAUGHLIN, REG. LD. SURV'S.
180 SUMMER ST. FRAMINGHAM, MASS.