



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

## ZONING BOARD OF APPEALS

KATHARINE E. TOY  
 Administrative Secretary  
 Telephone  
 235-1664

Petition of Paul D. Cummings

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 8:15 p.m. on June 28, 1979, on the petition of Paul D. Cummings, requesting a variance from the terms of Section XIX, Side Yard Requirements, of the Zoning By-law, which will allow the petitioner to raise the roof and extend the side walls of his dwelling at #1 Marigold Avenue, within the twenty-foot side yard. Said request was made under the provisions of Section XXIV-D of the Zoning By-law.

On June 13, 1979, the petitioner filed a 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 and explained in detail the reasons for it.

Statement of Facts

The house involved is located within a Single Residence District, requiring a minimum lot area of 10,000 square feet, and twenty-foot side yards. It was built on a lot containing 6,412 square feet prior to the enactment of the by-law requiring a minimum lot area and was built 6.9' from the side lot line prior to the enactment of Section XIX requiring a twenty-foot side yard.

The petitioner seeks a variance which will allow him to replace the existing roof of his house with a new gambrel type roof. If this is allowed, provision can then be made for additional bedrooms on the second floor for the petitioner's four children. It was explained that due to the location of the house on the lot, and the size of the lot, it is not possible to construct an addition which would provide the space needed and comply with the set-back requirements of the Zoning By-law. It was further pointed out that the proposed construction will not encroach any closer to the boundary line than the existing house. It will merely raise the roof and extend the side walls upward. Because the lot is narrow, the petitioner feels that the only way the needed living space can be provided is by raising the roof as shown on the plan.

A plot plan was submitted, drawn by William F. Drake, Land Surveyor, dated May 21, 1979, which showed the existing house on the lot. Said plan showed the house to be located 6.9' from the lot line on the northerly side and 29.9' from the lot line on the southerly side.

Decision

It is the opinion of this Authority, after a careful study of the evidence submitted and a view of the locus, that a real need exists for the

proposed bedrooms which the alteration will provide, and the plan submitted appears to be the most practical and feasible way to provide the space needed for the petitioner's family. As a result of the proposed roof change, the house will not encroach any closer to the side lot line or the street line than the existing house, and, in the opinion of this Authority, will not prove detrimental to the area.

The lot involved is narrow 63.75' x 100', with the existing house located only 6.9' from the lot line on the northerly side which is also the Town of Weston line, and only 29.9' from the lot line on the southerly side. Therefore, due to the location of the house on the lot and the width of the lot, it appears to this Authority that the petitioner would have difficulty to find any space on the lot upon which to construct an addition of any practical size, which would comply with the Zoning By-law. While the lot is rectangular in shape, it is narrow which restricts any possible extension of the house.

Therefore, it is the unanimous opinion of this Authority that owing to the shape of the lot as well as the size 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 roof alteration as shown on the plan submitted and on file with this Authority.

REC'D  
MAY 11 5 28 PM '52  
METTLEBY  
TOWN CLERK'S OFFICE  
RECEIVED

Francis L. Swift  
Francis L. Swift

William O. Hewett  
William O. Hewett

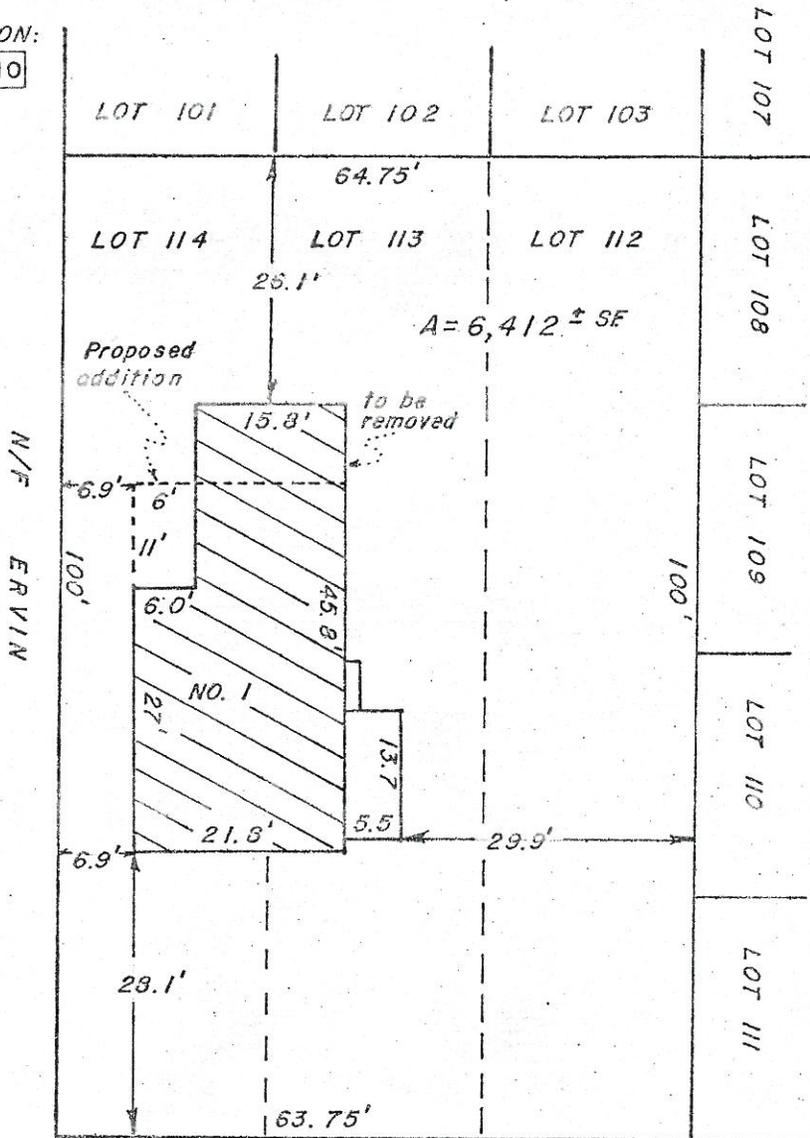
William F. Cullinane  
William F. Cullinane

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

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

ZONING CLASSIFICATION:  
SINGLE RESIDENCE 10

REFER TO:  
PLAN 3324 PL.BK. 69



N/F  
ERVIN

WESTON  
WELLESLEY TOWN LINE

MARIGOLD AVENUE

RECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MASS.  
JUN 13 3 54 PM '79

I HEREBY CERTIFY THAT THE LOT SHOWN ON  
THIS PLAN AND THE BUILDING SHOWN ON SAID  
LOT IS LOCATED ON THE GROUND AS SHOWN  
HEREON.

Signed *William F. Drake*

Date MAY 21, 1979



PLOT PLAN OF LAND  
in  
WELLESLEY, MASS.

Scale of 1" = 20 Feet

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175 MILLWOOD STREET  
FRAMINGHAM, MASS.  
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