



FRANCIS L. SWIFT, Chairman
 WILLIAM O. HEWETT
 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 Frederick S. and Alice P. Breimyer

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 August 16, 1979, on the petition of Frederick S. Breimyer and Alice P. Breimyer, requesting a variance from the terms of Section XIX of the Zoning By-law which will allow them to construct front and rear dormer windows over the existing first-floor family room on their dwelling at 50 Fairbanks Avenue, with side yards less than the required twenty feet. Said request was made under the provisions of Section XXIV of the Zoning By-law.

On August 13, 1979, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Alice P. Breimyer spoke in support of the request at the hearing.

Statement of Facts

The property involved is located within a Single Residence District requiring a minimum lot area of 15,000 square feet. The house was built prior to the twenty-foot side yard requirement, on a lot containing 14,320 square feet.

The petitioners desire to construct front and rear dormer windows above the existing family room on the northerly side of the house. The existing house stands 12.11' from the side lot line at the front corner and 12.35' from the lot line at the rear corner. The proposed dormer windows will not encroach any closer to the lot line than the existing house, if allowed to be built.

It was explained that the petitioners have three children, and the house has only three bedrooms; therefore, there is a need for the proposed additional bedroom which the proposed alteration will provide, if the requested variance is granted. It was further explained that because of the grade of the lot, it would be prohibitively expensive to build the room at a location which would conform with the Zoning By-law. A plot plan was submitted, drawn by John J. Regan, dated July 10, 1979, which showed the house on the lot.

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 dormer windows which will provide an additional bedroom on the second floor.

Due to the topography of the land at the rear of the house, it appears that considerable fill would be required in order to construct a room comparable to the one proposed above the existing family room.

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Therefore, it is the unanimous opinion of this Authority that owing to circumstances relating to the topography of the lot, a literal enforcement of the provisions of Section XIX of the Zoning By-law would involve substantial hardship to the petitioners, and 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 and 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 addition of two dormer windows as shown on the plan submitted and on file with this Authority.


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 the decision have been filed with the Planning Board and with the Town Clerk.

W. Robert &
Suzanne B.
Patterson

Richard W. &
Karin Ulbrich

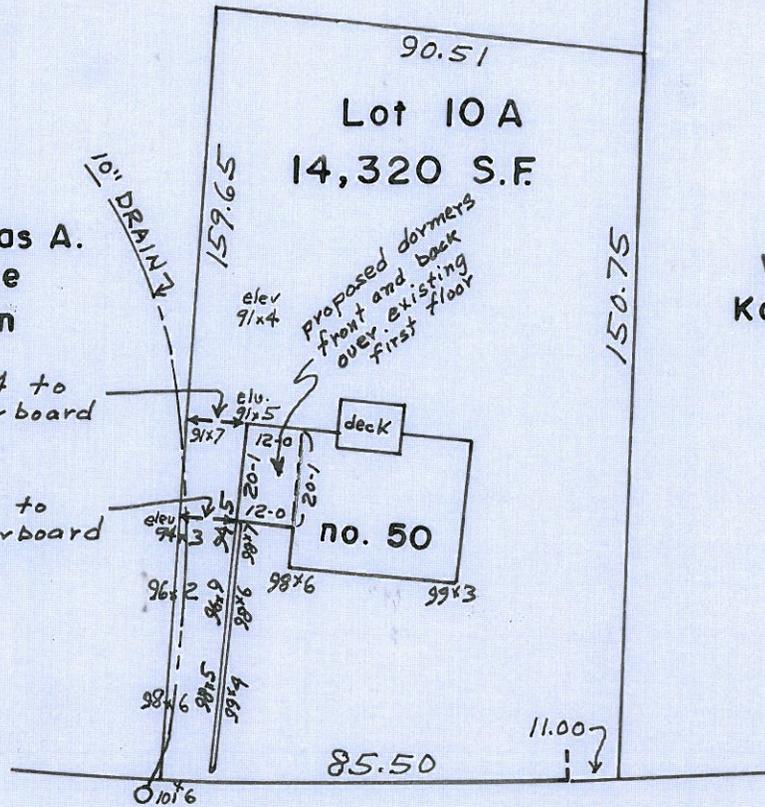
E. Ronald & Nancy H.
Goldfuss

Thomas A.
& Anne
O'Brien

William L. &
Kathleen E. Fay

12.34 to
corner board

12.11 to
corner board



FAIRBANKS AVENUE



John J. Regan

PLAN OF LAND IN WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF
FREDERICK S. & ALICE P. BREIMYER
50 FAIRBANKS AVENUE
WELLESLEY

SCALE 1 IN = 40 FT
APEX ASSOCIATES
NEWTON HIGHLANDS

JULY 10, 1979
LAND SURVEYORS
MASS.