

TOWN OF WELLESLEY, MASSACHUSETTS
BOARD OF APPEAL

September 3, 1942

Stanley W. Leighton
Carl E. Anderson
Robert R. Thurber

Appeal of Vartochi Pilibosian

Pursuant to due notice the Board of Appeal held a public hearing in the Upper Town Hall on August 26, 1942 at 8:30 o'clock P.M. to consider the appeal of Vartochi Pilibosian from the refusal of the Inspector of Buildings to issue in pursuance of application therefor dated August 19, 1942, a permit to alter her dwelling at 16 Pine Tree Road by constructing a roof over the front entrance porch and closing in the same, and also constructing a roof over the side porch.

Statement of Facts

The Inspector of Buildings under date of August 19, 1942 notified the appellant in writing that a permit for the proposed alterations could not be granted because such action would violate Section 9-C of the Zoning By-Law and Section 24 of the Building By-Laws. By letter of the same date the appellant took an appeal from such refusal, and thereafter due notice of said hearing was given by mailing and publication. At the hearing no objections were raised to the proposed alterations and an adjacent owner, one Campana, urged the granting of a permit.

The appellant submitted sketches of the house and property in question showing the location of the front and rear porches. It was apparent that the existing uncovered porches are not to be increased in size and that the only changes would be through the proposed roofing of each porch and the closing in of the front porch.

In so far as material it should be noted that a special permit was given by the Board of Appeal in 1938 to create the lot in question.

The front porch of the house is within fifty (50) feet from the center line of Pine Tree Road and is also within thirty (30) feet from the front line of the lot. The side porch is within twenty (20) feet of the side line of the lot.

The front porch in question, which is really an entranceway, does not exceed a total area of fifty (50) square feet.

Issue Involved

The question to be decided is whether satisfactory reasons exist for modifying in this case the requirement of Section 24(a) of the Building By-Laws, and whether the requirement of Section 9-C of the Zoning By-Law as to thirty foot front yards and twenty foot side yards can be varied on the ground of substantial hardship under General Laws, Chapter 40, Section 30.

Decision

The Board of Appeal unanimously finds that reasons satisfactory to it exist for the modification in this case of the setback requirement of Section 24(a). Assuming that an "enclosed" porch falls within the scope of the front yard restriction of Section 9-C the Board is of the unanimous opinion that a literal enforcement of the restriction would involve substantial hardship to the appellant in a situation where desirable relief can be granted by the Board without substantial detriment to the public good and without substantially derogating from the intent or purpose of said Section 9-C.

As already indicated, the roofing and enclosing will not change in any way the size of the porches in question nor will they increase the fire hazard in any material degree. On the contrary the general appearance of the house will be improved and there will be a substantial benefit to the appellant in convenience and in heating costs.

Accordingly the necessary modification and variance are authorized and granted and the issuance of the permit applied for is directed.

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