

TOWN OF WELLESLEY



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BOARD OF APPEAL

1961 SEP 8 PM 3:48

KATHARINE E. TOY, CLERK
TELEPHONE
CE. 5-1664

Appeal of David H. and Barbara B. Locke

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:20 p.m. on August 17, 1961 on the appeal of David H. and Barbara B. Locke from the refusal of the Inspector of Buildings to issue a permit to them to construct an addition on the rear of their dwelling at 18 Intervale Road and to relocate the existing detached garage on the premises. The reason for such refusal was that said addition would violate Section 9-C of the Zoning By-law which requires a twenty-foot side yard and that the relocation of the existing garage on the premises would result in a violation of Chapter IV, Section 1, of the Building Code which requires that all such buildings shall be placed at least ten feet from any party line and at least twenty feet from another Type V building on the property.

Paul Jameson represented the appellants at the hearing.

The Planning Board offered no objection to the construction of the addition in its report, but with respect to the relocation of the garage called attention to the fact that the petition did not refer to Section 9-C of the Zoning By-law from which a variance or special exception would be required.

Philip Trowbridge, 16 Intervale Road, adjoining property owner, opposed the granting of the exception which would permit the addition to be constructed; in his opinion, it would be too close to the line.

R. G. McAllister, 18 Montvale Road objected to the granting of the request.

On July 25, 1961 the Inspector of Buildings notified the appellants in writing that a permit for the proposed addition and relocation of the existing garage could not be issued for the above-mentioned reasons. On the same date the appellants took an appeal in writing and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The house involved is located within a single-residence district requiring a minimum lot area of 15,000 square feet.

A plot plan drawn by Gleason Engineering Company, dated July 31, 1961, was submitted which showed the existing dwelling on the property as well as the proposed addition and the proposed relocation of the existing garage.

The appellants acquired the property in 1954 when they had two children. It is now too small for their growing family. They now have four children and Mrs. Locke's mother makes her home with them. It is proposed to construct an addition on the rear of the dwelling approximately 16' x 18'

which will provide an addition to their kitchen area and a first-floor lavatory as well as a bedroom and bath on the second floor. It will continue the existing line of the house which is 11.3 feet at the front and 11.8 feet at the rear from the northwesterly side line. The house was built in 1921, prior to the enactment of the twenty-foot side yard requirement.

The appellants further seek permission to move their existing garage forward on the lot in order to add its present site to the back yard space available for play area to compensate for the space to be occupied by the proposed addition. It is proposed to relocate the garage between the house and the southwest side line of the lot eight feet from the porch and ten feet from the lot side line.

Conclusion

The Board finds that a real need exists for the proposed addition and the facts in this case satisfy the conditions set forth in Section 9-C of the Zoning By-law on which the Board's authority depends to grant a special exception from the application of the side yard restrictions of that section. The lot is narrow and compliance is impractical because of the width of the lot, and the lot was held of record on April 1, 1940 under a separate and distinct ownership from adjacent lots.

It is, therefore, the unanimous opinion of this Board that the requested exception to construct the proposed addition will not injure the neighborhood and permission is granted for the proposed addition in accordance with the plan submitted and on file with this Board.

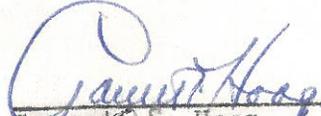
The Board, however, cannot find that manifest injustice will result to the appellants if the requested variance from Chapter IV, Section 1(a) of the Building Code permitting the appellants to relocate the garage is not granted, nor does it feel that the case was not contemplated by the provision at the time of its adoption.

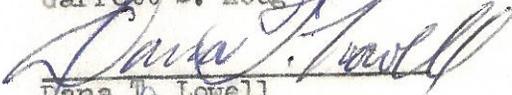
Accordingly, a special exception is granted to permit the construction of the proposed addition in accordance with the ground plan submitted to this Board and the variance from the provision of Chapter IV, Section 1(a) of the Code is denied.

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1981 SEP 8 PM 3:48

Filed with Town Clerk _____


Garrett S. Hoag


Dana T. Lowell


F. Lester Fraser

PLAN OF LAND
 IN
WELLESLEY, MASS.
 OWNED BY
DAVID H. & BARBARA B. LOCKE
 SCALE 40 FEET TO AN INCH
 JULY 31, 1961.
 GLEASON ENGINEERING COMPANY

