



BOARD OF APPEAL

GARRETT S. HOAG
JOHN L. HAYDEN
DANA T. LOWELL

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

Petition of William H. Cruickshank, Jr. et ux

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 8:15 p.m. on September 17, 1964, on the petition of William H. Cruickshank, Jr. et ux requesting a variance from the terms of Section XIX of the Zoning By-law which would permit them to construct an addition on the side of their dwelling at 67 Lincoln Road with a side yard less than the required twenty feet. Said request was made under the provisions of Chapter 40A, Section 15, of the General Laws.

William H. Cruickshank, Jr. represented the petitioners at the hearing.

Robert List, 68 Lincoln Road spoke in favor of granting the request.

A letter was submitted from Ernest C. McInnis, 65 Lincoln Road in which he urged the Board to grant the requested permission which would allow the addition to be constructed. He stated, in his opinion, that the proposed addition would not only be an attractive addition to the petitioners' house, but would enhance his property and that the entire neighborhood would be improved.

On August 28, 1964, the petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The house involved which was built in 1928, is located within a single-residence district requiring a minimum lot area of 20,000 square feet.

The petitioners seek permission to extend the easterly line of their existing porch a distance of approximately three feet and convert same into a family room which, if built, will be 10' x 18'. The petitioners have small children and the proposed room would provide additional living space for them as well as a room on the first floor for the petitioners' invalid mothers-in-law while visiting them. The plan of the house and shape and contour of the lot do not readily permit construction of the desired additional living space in any other economic and practical manner. A plot plan drawn by Gleason Engineering Company, dated August 28, 1964, was submitted which showed the existing house as well as the proposed addition. Said plan showed the existing porch to be 18.5' from the lot side line at the nearest point and the proposed addition a greater distance due to the angle of the lot line.

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Decision

The Board finds that a real need exists for the proposed addition and while the facts in this case do not satisfy the conditions set forth in Section XIX of the Zoning By-law, as the lot involved was not held under a separate and distinct ownership from adjacent lots on April 1, 1940, this Board, however, considered the petition under the provisions of the General Laws, Chapter 40A, Section 15. In its opinion, a literal enforcement of Section XIX of the Zoning By-law would cause a substantial hardship to the petitioners and the requested relief can be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of said By-law. Only one corner of the existing porch is slightly under the required setback from the lot line, and the proposed small addition will set back a greater distance than the required twenty feet.

In view of these facts, it is the opinion of this Board that a variance can and should be granted from the terms of Section XIX of the Zoning By-law under the provisions of Chapter 40A, Section 15 of the General Laws.

Accordingly, the request is granted and the issuance of a permit for the proposed addition as shown on the plan submitted and on file with this Board is hereby directed.



John L. Hayden



Richard O. Aldrich



G. Arnold Haynes

Filed with Town Clerk _____

PLAN OF LAND
IN
WELLESLEY, MASS.
OWNED BY
WILLIAM & DORINDA P. CRUIKSHANK
SCALE 40 FEET TO AN INCH
AUGUST 28, 1969.
GLEASON ENGINEERING COMPANY

