



## BOARD OF APPEAL

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

64-39  
KATHARINE E. TOY, CLERK  
TELEPHONE  
CE. 5-1664

Petition of Edward J. and Annette P. McCabe

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 8:35 p.m. on September 17, 1964, on the petition of Edward J. and Annette P. McCabe, requesting an exception from the terms of Section XIX, Yard Regulations, of the Zoning By-law which will permit them to construct a two-story addition on the side of their dwelling at 3 Beverly Road with a side yard less than the required twenty feet.

Edward J. McCabe spoke in support of the petition at the hearing.

Robert Jones, 35 Beverly Road, stated that, in his opinion, the proposed addition would not only improve the property involved but would also improve the neighborhood.

A letter of approval was submitted from Helen E. and Theodore O'C. Molloy, 423 Weston Road, abutting property owners.

The Planning Board opposed the granting of the request in its report.

Statement of Facts

On August 30, 1964, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

The dwelling involved is located within a single-residence district requiring a minimum lot area of 10,000 square feet. It was built in 1935, with a porch 13.1' from the lot line on the westerly side, prior to the enactment of Section XIX of the Zoning By-law requiring a minimum twenty-foot side yard.

On May 21, 1964, the petitioners requested an exception from the Zoning By-law which would permit them to enclose their existing porch and to convert same into a den or study. The Board granted the request. (See Petition of Edward J. and Annette P. McCabe filed with Town Clerk on June 3, 1964.)

When work proceeded on the porch, it was discovered that the existing structure was badly rotted and considerably more work would have to be done than originally planned. As the roof would have to be replaced the original estimated cost was substantially increased and it did not seem feasible to the petitioners to continue with the work unless additional space could be provided. This could be accomplished by a relatively slight increase in cost. The petitioners, therefore, now seek permission to add a second story to the structure, which would provide space for storage at present and could be converted into a room at some future time. The house does not have

attic space and the petitioners urgently need space for storage. In the opinion of the petitioners, the proposed two-story addition will not only improve the appearance of the house and enhance the neighborhood, but it will also relieve the hardship created by the cost of completely reconstructing the porch with little added space resulting.

A plot plan was submitted drawn by Gleason Engineering Company, dated May 1, 1964, which showed the existing dwelling on the lot. Said plan showed the existing porch to be 13.1' from the westerly lot side line.

Decision

The Board has carefully studied the new plans and facts submitted and has taken another view of the locus.

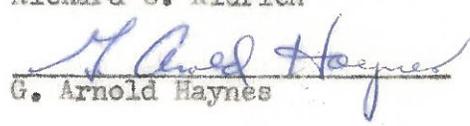
The Board is of the same opinion as it was when it granted the petitioners permission to enclose their existing porch. In their opinion, there is a real need for an additional room on the first floor and the addition of storage space above will not prove detrimental to the neighborhood nor derogate from the purpose of the Zoning By-law. Because petitioners' side lot line abuts the rear lot line of the adjoining (corner) house, there is ample open space and the addition will not create any crowded or congested appearance or effect. The Board feels that to deny the petitioners permission to construct a second story above the enclosed porch, permission for which was granted by this Board in its previous decision, would result in substantial hardship to the petitioners. The lot is 80' wide and 100' deep. Therefore compliance with the side yard restrictions is impracticable because of the width of the lot. The lot was held of record on April 1, 1940 under a separate and distinct ownership from adjacent lots.

Accordingly, the requested exception is granted and the issuance of a permit for the proposed two-story 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 10/9/64