

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

GARRETT S. HOAG  
DANA T. LOWELL  
F. LESTER FRASER

65-17  
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Petition of Edward C. and Sieglinde Martin

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 May 20, 1965, on the petition of Edward C. and Sieglinde Martin requesting a special exception from the terms of Section XIX of the Zoning By-law which will permit them to enclose part of the existing porch on the side of their dwelling at 33 Bay State Road, which stands in violation of Section XIX of the Zoning By-law requiring a twenty-foot side yard.

Edward C. Martin spoke in support of the petition.

Minnie E. Luby, 31 Bay State Road, stated at the hearing that she had no objections to the proposed enclosure.

Thomas C. Norcross, 25 Pine Street, opposed the granting of the request.

On April 30, 1965, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The dwelling involved is located within a single-residence district requiring a minimum lot area of 15,000 square feet, and was built prior to the enactment of Section XIX of the Zoning By-law requiring a minimum twenty-foot side yard.

The petitioners seek permission to enclose a part of their existing porch on the side of their dwelling in order to provide an additional room. The porch is approximately 8' x 20' and lies 10' from the southerly lot side line at the nearest corner. It is proposed to enclose slightly more than half of it and the nearest point of the portion to be enclosed will be approximately 18' from the side lot line. Because of the shape of the lot and the location of the house on the lot, it would not be possible to expand in any direction and comply with the Zoning By-law. A plot plan was submitted which showed the existing dwelling and porch. Said plan was drawn by Robert H. Dunning, dated March 28, 1959.

Decision

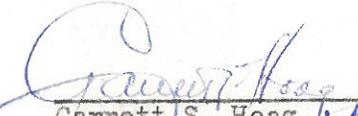
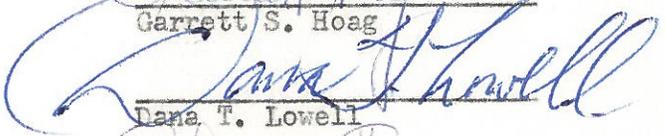
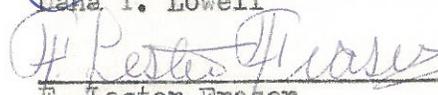
The Board has made a careful study of the facts in this case and has taken a view of the locus. It is the opinion of this Board that a real need exists for an additional room which the proposed enclosure will provide, and that a denial of the requested permission would involve a substantial hardship to the petitioners. Such an alteration will not involve any detriment to the public good, nor will it derogate from the purpose

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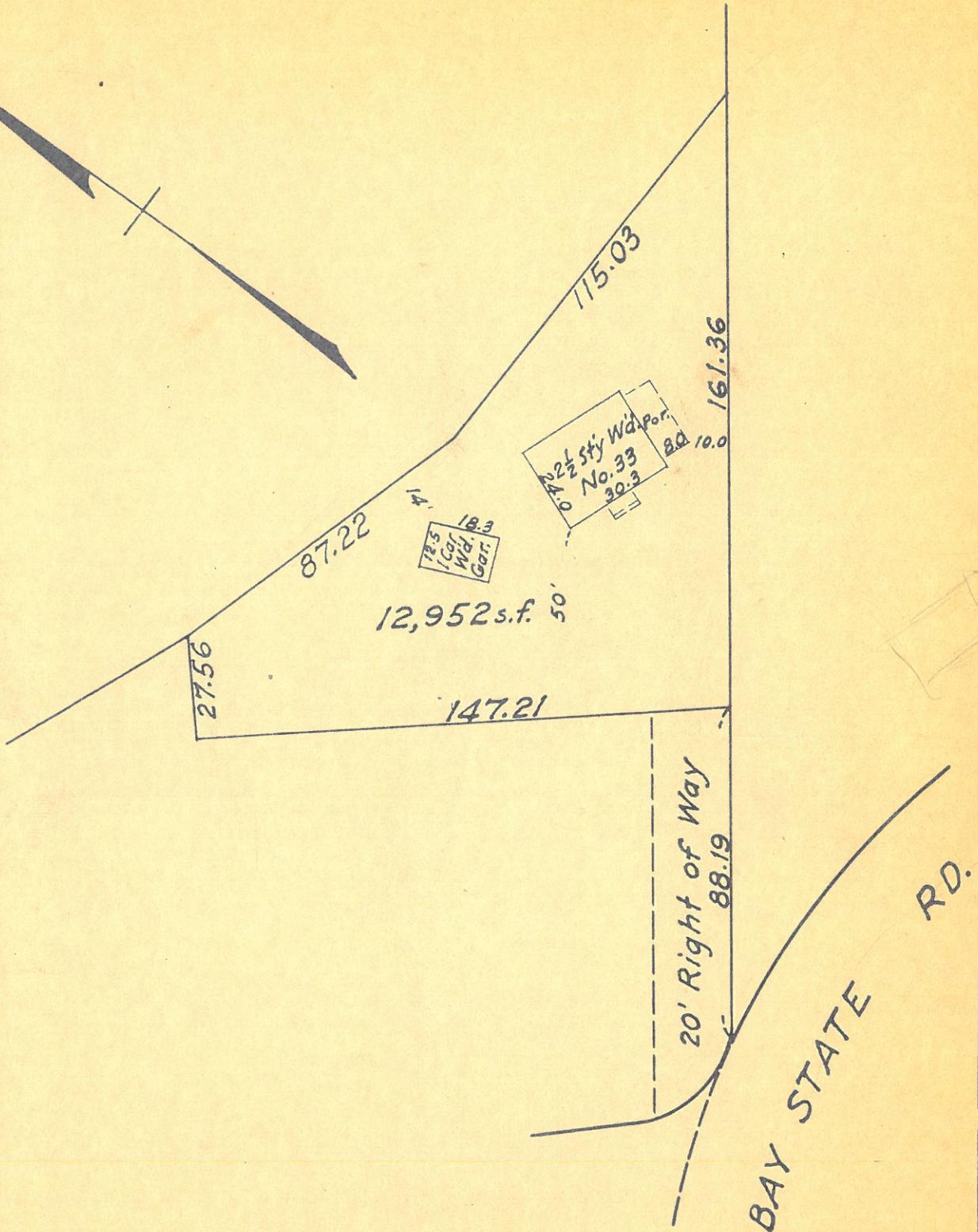
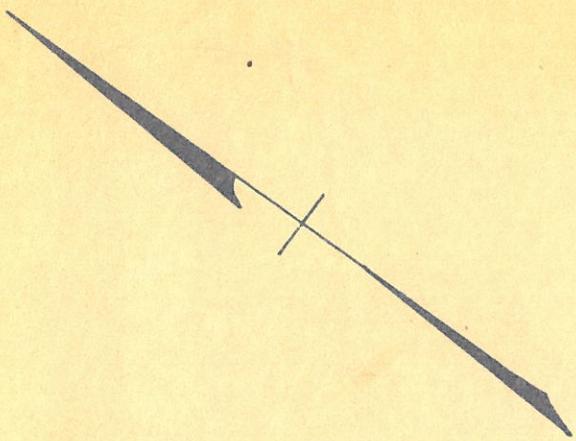
of the Zoning By-law, reduce the value of any property within the district or otherwise injure the neighborhood. The house is located off the road and is approached by a Right-of-Way with very little of the house visible from Bay State Road.

The lot is pie shaped which makes compliance with the requirements of Section XIX of the Zoning By-law impracticable because of its shape. It was held of record on April 1, 1940 under a separate and distinct ownership from adjacent lots. Therefore, the facts in this case satisfy the conditions set forth in Section XIX of the Zoning By-law on which the Board's authority depends to vary the requirements of the side yard restrictions of the Zoning By-law.

Accordingly, the requested exception is granted and the issuance of a permit for the proposed enclosure of a part of the porch in accordance with the plan submitted and on file with this Board is hereby granted.

  
Garrett S. Hoag  
  
Dana T. Lowell  
  
F. Lester Fraser

Filed with Town Clerk \_\_\_\_\_



MORTGAGE SURVEY PLAN

Location WELLESLEY Mass.

Scale 1 in. = 40 ft. Date March 28, 1959

ROBERT H. DUNNING Surveying and Drafting  
2 DOW AVE., ARLINGTON

I hereby certify that the building shown on this plan is approximately located on the ground as shown thereon and that it conformed to the zoning and building laws of the town of Wellesley when constructed and to restrictions on record.

*Robert H. Dunning*