

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
 TELEPHONE
 235-1664

Appeal of George W. Jr. and Catharine L. Bean

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 8:00 p.m. on June 24, 1965, on the appeal of George W. Jr. and Catherine L. Bean from the refusal of the Inspector of Buildings to issue a permit to them to construct a new roof and extend the side walls on the front of their dwelling at 6 Pinevale Avenue. The reason for such refusal was that said roof and side walls would violate Chapter IV, Section 1, of the Building Code which requires that all such buildings shall be placed at least thirty feet from the side line of any public or private street and fifty feet from the center line of any public or private street and Section XIX of the Zoning By-law which requires that there shall be provided for every building or structure a front yard at least thirty feet in depth.

George W. Bean, Jr. represented the appellants at the hearing.

On June 3, 1965, the Inspector of Buildings notified the appellants in writing that their application for a permit had been refused for the above-mentioned reasons, and on the same date the appellants took an appeal therefrom. Thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The house involved which was built prior to the enactment of Section XIX of the Zoning By-law and Chapter IV, Section 1, of the Building Code which require at least a thirty-foot setback from the street line, is located within a single-residence district requiring a minimum lot area of 10,000 square feet.

The appellants seek permission to raise the roof from 8" at the front of the house to 5' at the ridge. The roof presently is badly in need of repair and has been leaking for some time. In order to properly repair the present roof, it is necessary to remove the old roof and completely rebuild it. Because of the sharp pitch in the existing roof, the kitchen ceiling is slanted making the room very small. If the roof can be raised, it will allow the kitchen ceiling to be raised approximately four feet making a larger and more usable room.

A plot plan was submitted, drawn by Frank L. Cheney, dated May 13, 1965, which showed the dwelling on the lot to be located 17.6' from the street line at the nearest point.

Decision

The facts in this case satisfy the conditions set forth in Section XIX of the Zoning By-law and Chapter IV, Section 1, of the Building

Code on which the Board's authority depends to grant a special exception from the application of the front yard restrictions of the Zoning By-law and a variance from the Building Code.

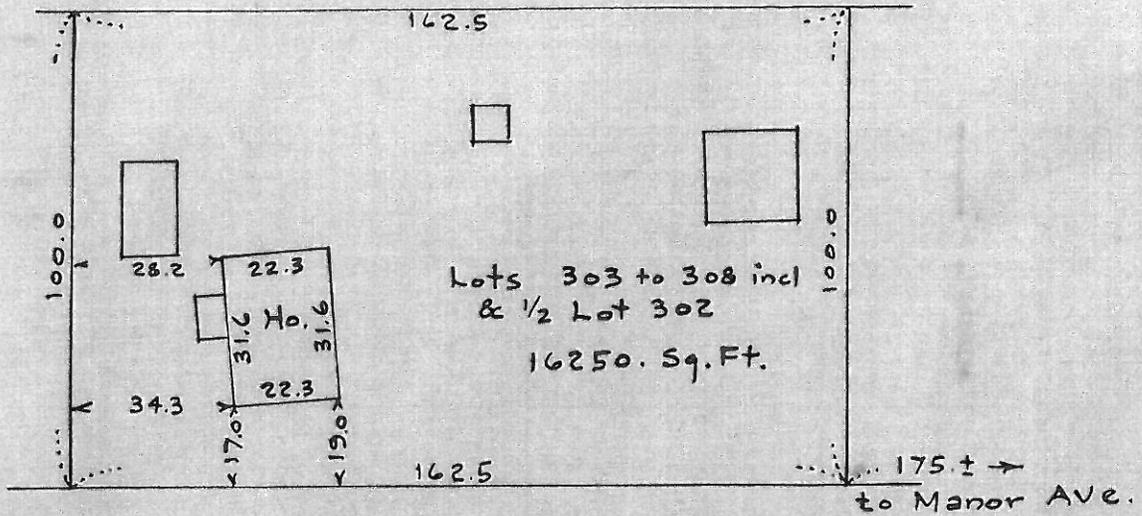
The house was built prior to the enactment of the front yard requirement and was held of record on April 1, 1939, under a separate and distinct ownership from adjacent lots. While the lot is rectangular in shape, the house is so situated on the lot, that the necessary roof repair cannot be made without encroaching into the front yard. Compliance, therefore, with the front yard requirement of thirty feet is impracticable because of the depth of the lot. It is the further opinion of this Board that manifest injustice would result to the appellants if the requested variance is not granted, and that the provisions of the Building Code did not contemplate the circumstances of this specific case which involves only the raising and rebuilding of the existing roof with no increase in the encroachment to the front yard. The Board feels that the proposed alteration to the roof will not prove detrimental to the neighborhood nor derogate from the intent and purpose of the by-law.

It is, therefore, the unanimous opinion of this Board that permission may be granted to raise the roof and extend the side walls as shown on the plan submitted and on file with this Board and the Building Inspector is hereby authorized to issue a permit for such construction.

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

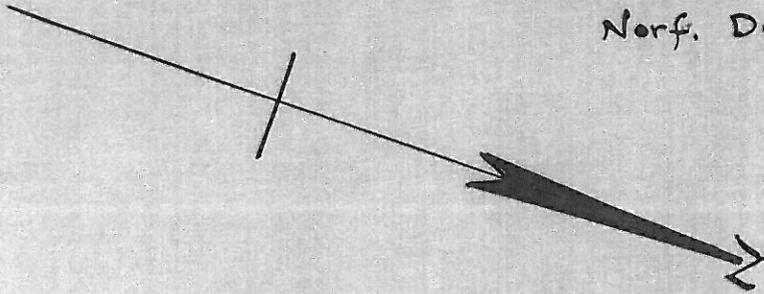
Filed with Town Clerk _____

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PINEVALE AVE.

Owner: George W. Bean
 Norf. Deeds 2852-179
 Plan Bk. 69, Plan 3324.



Plan of Land in
WELLESLEY, MASS.

Scale: 1 in. = 40 ft.

Cheney Engineering Co.
 Needham, Mass.

May 13, 1965.

