

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
CE 5-1664

Appeal of Raymond D. Gorman

Fursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:05 p.m. on September 15, 1965, on the appeal of Raymond D. Gorman from the refusal of the Inspector of Buildings to issue a permit to him to construct a shed dormer on the rear of the dwelling at 838 Worcester Street. The reason for such refusal was that said shed dormer would violate 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.

The appellant spoke in support of the appeal at the hearing.

On August 13, 1965, the Inspector of Buildings notified the appellant in writing that his application for a permit had been refused for the above-mentioned reasons, and on August 19, 1965, the appellant 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 requires 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 appellant seeks permission to construct a shed dormer on the rear of his dwelling to provide an additional bedroom for his family. The house is located 12'10" from Worcester Street, and the proposed dormer which is to be approximately 8' x 18' will be approximately 22' from the street line. It was pointed out that in 1931, when Worcester Street was widened, the State took twenty feet of frontage from this property.

A plot plan drawn by Everett M. Brooks, Newtonville, dated September 19, 1960, was submitted which showed the dwelling on the lot.

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 facts also satisfy the requirement of Section XVII B a of the Zoning By-law regarding Non-conforming Structures, and of Chapter 40A, Section 15 of the General Laws for granting the requested relief and the requisite findings of fact are hereby made.

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, it is

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narrow, and the house is so situated on the lot, that a dormer could not be constructed without encroaching into the front yard. Compliance, therefore, with the front yard requirement of thirty feet is impracticable because of the width of the lot. It is the further opinion of this Board that manifest injustice would result to the appellant 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 involved only the construction of a shed dormer at the rear of the dwelling with no increase in the encroachment in the front yard. The Board feels that the proposed construction will not prove detrimental to the public good 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 for the proposed construction of a shed dormer 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.

Richard O. Aldrich
 Richard O. Aldrich

F. Lester Fraser
 F. Lester Fraser

Edward T. Kilmain
 Edward T. Kilmain

Filed with Town Clerk _____

1882 OCT

WM 10:32

WETFIELD, MASS.
 TOWN OFFICE & OFFICE
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n. or f. Enright

72.00'

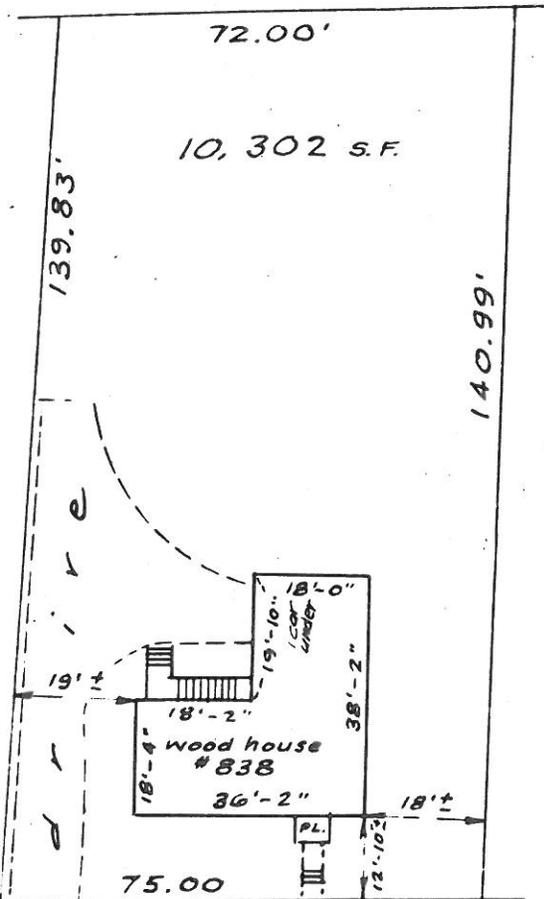
10,302 S.F.

139.83'

140.99'

n. or f. Spurr

Opposite Ely line of ALHAMBRA RD.



WORCESTER ST.

THIS PLOT PLAN WAS NOT MADE FROM AN INSTRUMENT SURVEY AND IS FOR THE USE OF THE BANK ONLY. UNDER NO CIRCUMSTANCES ARE OFFSETS TO BE USED FOR FENCES, WALLS, HEDGES, ETC.

RECORDED AT NORFOLK
 REGISTRY OF DEEDS
 RECBOOK No 1691 PAGE No 74
 SHOWN AS - PLAN BY
 FARNHAM & GLEASON, INC.
 DATED APRIL 1926

PLAN OF PROPERTY
 838 WORCESTER ST.
 WELLESLEY - MASS.

EVERETT M. BROOKS CO. - CIVIL ENGRS
 NEWTONVILLE - MASSACHUSETTS
 SCALE 1 IN = 30 FT DATE SEPT. 19, 1960

I HEREBY CERTIFY THAT THE
 BUILDINGS ON THIS PROPERTY
 ARE LOCATED AS SHOWN ON
 ABOVE PLAN AND COMPLY WITH
 THE ZONING LAWS OF THE
 TOWN OF WELLESLEY

E. M. Brooks Co.
 Licensed Surveyor