



65-32

BOARD OF APPEAL

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JOHN L. HAYDEN
DANA T. LOWELL

KATHARINE E. TOY, CLERK
TELEPHONE
CE 5-1664

Petition of Anne P. Famolare

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 September 15, 1965, on the petition of Anne P. Famolare, requesting a special exception from the terms of Section XIX of the Zoning By-law which will permit her to enclose the existing porch on the rear of her dwelling at 17 Garrison Road which stands in violation of Section XIX of the Zoning By-law requiring a twenty-foot side yard.

Philip Rollins, attorney, represented the petitioner at the hearing.

On August 27, 1965, the petitioner filed her 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 10,000 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 petitioner seeks permission to enclose the porch on the rear of her dwelling in order to provide an additional room. The porch is approximately 10' x 14' and lies 19.69' from the westerly lot side line at the nearest corner. A plot plan drawn by J. F. Hennessy, C. E., dated August 18, 1965, was submitted which showed the existing dwelling on the lot. It was pointed out that due to the irregular shape of the lot, it would be impracticable to construct an addition on the dwelling and comply with the existing Zoning By-law.

Decision

The Board has taken a view of the locus, and in its opinion, the proposed porch enclosure will not prove detrimental to the public good nor derogate from the intent or purpose of the by-law. The lot is irregular in shape with a frontage of only 62' and widens out to 133.90' at the rear. The house is located 15.65' from the westerly lot side line at the nearest point and approximately 17' from the easterly lot side line at the nearest point. Compliance, therefore, with the requirements of Section XIX of the Zoning By-law is impracticable because of the width and shape of the lot which was held of record on April 1, 1940 under a separate and distinct ownership from adjacent lots. Moreover, a literal enforcement of the pertinent provisions of the by-law will cause the petitioner substantial hardship, financial and otherwise. The facts in this case, therefore, satisfy the conditions set forth in Section XIX of the Zoning By-law and in Chapter 40A, Section 15 of the General Laws on which the Board's authority depends to grant a special exception from the

application of the side yard restriction of the Zoning By-law.

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

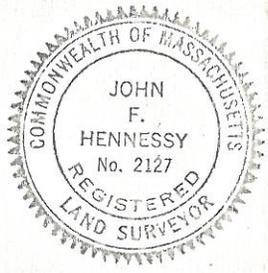
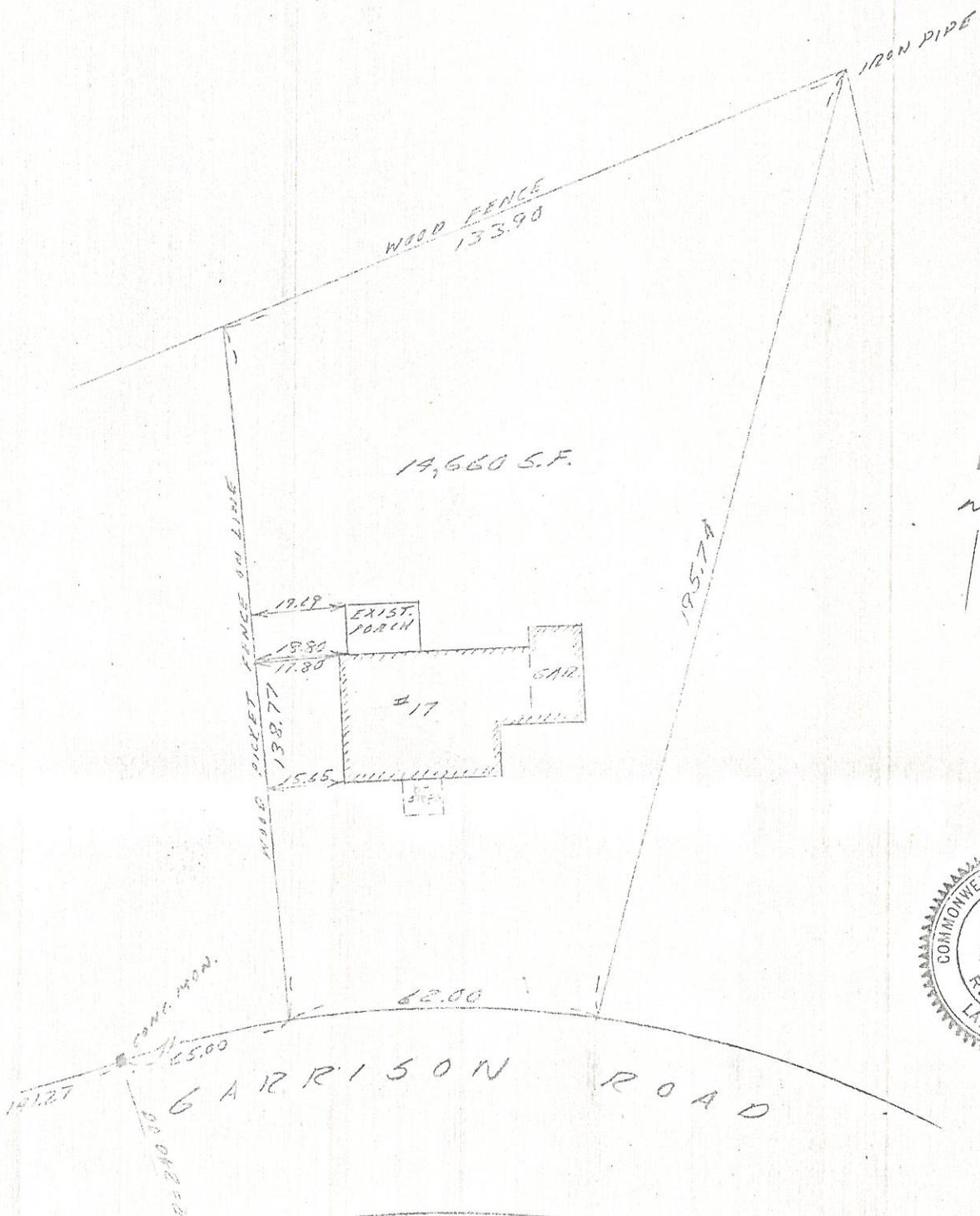
Richard O. Aldrich
Richard O. Aldrich

F. Lester Fraser
F. Lester Fraser

Edward T. Kilmain
Edward T. Kilmain

Filed with Town Clerk _____

1982 OCT 7 AM 10:34
WELLESLEY MASS
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PLOT PLAN
 WELLESLEY, MASS.

Scale 1"=30' Aug. 18, 1965
 J.F. Hennessy, C.E. Brookline, Mass.