

65-40

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK  
TELEPHONE  
CE 5-1664

Petition of Joseph S. and Barbara W. Harkins

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 October 28, 1965, on the petition of Joseph S. and Barbara W. Harkins, requesting a special exception from the terms of Section XIX of the Zoning By-law which will permit the construction of an addition on the side of their dwelling at 12 Edgemoor Avenue with a side yard less than the required twenty feet.

Joseph S. Harkins represented the petitioners at the hearing.

On October 4, 1965, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The house involved, which was built in 1947, is located within a single-residence district requiring a minimum lot area of 10,000 square feet.

A plot plan drawn by Gleason Engineering Company, dated October 15, 1965, was submitted which showed the existing dwelling and the proposed addition.

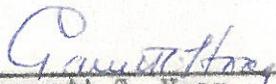
The petitioners seek permission to construct a one-story addition 4' x 8' on the side of their dwelling which will provide a downstairs lavatory. The existing house lies twenty feet from the lot line on the northerly side and the proposed addition, if built, will lie sixteen feet from the same lot line. The house is located forty feet back from the street and only ten feet from the rear lot line. It would not be possible, therefore, to construct the proposed addition at the rear and comply with the by-laws, which require that all such buildings shall be at least ten feet from the rear line; neither could it be constructed on the front of the dwelling unless an exception were granted, as all such buildings and additions shall be placed at least fifty feet from the center line of the street. The proposed addition appears to be the most suitable as it will adjoin a first-floor bedroom and can be designed to be more attractive on the side of the dwelling than on the front although it could also adjoin the bedroom if constructed on the front of the house.

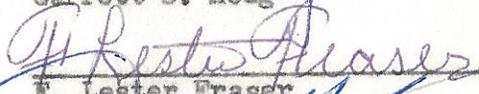
Decision

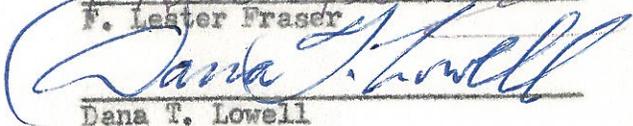
The Board finds that a real need exists for the proposed addition and the facts in this case satisfy the conditions set forth in Section XIX of the Zoning By-law on which the Board's authority depends to grant a special exception from the application of the side yard restrictions of that section. The lot which contains 8,913 square feet with a dwelling thereon has a frontage of 132.28', a depth of only 72.25' on the northerly side and 83.69' on the southerly side. The shape of the lot, therefore, does not lend itself to the

construction of an addition on either the front or the rear of the house in compliance with the by-laws. Although the house is 26.9' from the lot line on the southerly side, that side is a living room and would not be a practical location for the proposed addition. It is, therefore, the opinion of this Board that compliance is impracticable because of the depth and shape of the lot. The dwelling involved was built in 1947 on a lot which 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 Inspector of Buildings authorized to issue a permit for the construction of the addition as shown on the plan submitted and on file with this Board.

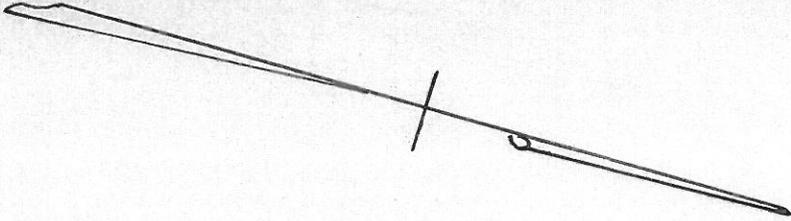
  
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Garrett S. Hoag

  
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F. Lester Fraser

  
\_\_\_\_\_  
Dana T. Lowell

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

RECEIVED  
MAY 12 1948  
TOWN CLERK  
MAY 12 1948



PLAN OF LAND  
IN  
**WELLESLEY, MASS.**  
OWNED BY  
**JOSEPH J. & BARBARA W. HARKINS**  
SCALE 40 FEET TO AN INCH  
OCTOBER 15, 1965.  
GLEASON ENGINEERING COMPANY

JOSEPH J. & BARBARA W. HARKINS

