

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

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

1966 JAN 5 PM 1:39

KATHARINE E. TOY, CLERK
TELEPHONE
CE 5-1664

Appeal of Ernest L. and Anneliese Reynolds

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 8:35 p.m. on December 2, 1965, on the appeal of Ernest L. and Anneliese Reynolds from the refusal of the Inspector of Buildings to issue a permit to them to construct an addition on the rear of their dwelling at 33 R Cedar Street. The reason for such refusal was that said addition would violate Chapter IV, Section 1, of the Building Code which requires that all Type V buildings shall be placed at least ten feet from any party line and Section XIX of the Zoning By-law which requires that there shall be provided a side yard not less than twenty feet in width on each side of every building hereafter erected or altered within a Single-residence District. Said appeal is made under the provisions of Chapter I, Section 11, of the Building Code and Section XIX of the Zoning By-law.

Ernest L. Reynolds spoke in support of the appeal at the hearing.

The Planning Board in its report questioned whether or not it is good policy for such house to be substantially enlarged as it has no frontage on any way, public or private.

On November 15, 1965, the Inspector of Buildings notified the appellants in writing that a permit could not be issued for the proposed construction for the above-mentioned reasons, and on the same date the appellants took an appeal from such refusal.

Statement of Facts

The house involved which was built over fifty years ago, 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 November 12, 1965, was submitted which showed the existing dwelling on the property as well as the proposed addition.

The appellants seek permission to construct a two-story addition 24.6' x 24.6' at the rear of their dwelling which will provide a one-car garage and den on the first floor and two bedrooms above. The addition is designed to continue the existing line of the house on the northerly side which is 19' from the lot side line, and will encroach four feet into the existing side yard on the southerly side and if built, will lie six feet from the lot side line.

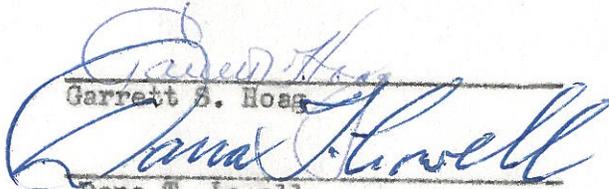
It was pointed out at the hearing that additional space is needed to provide an additional bedroom for the appellants' children and to provide a bedroom for Mrs. Reynolds' mother who makes her home with the appellants. The appellants do not have a garage presently and the proposed addition will also provide a one-car garage and a small den on the first floor.

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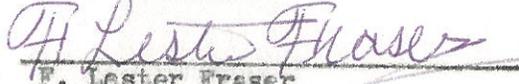
Decision

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 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 side yard restrictions in the Zoning By-law and the setback restriction of the Building Code. The lot is extremely narrow, 49.50' x 220', which makes compliance with the side yard restrictions impracticable because of the width, depth and shape of the lot, and the lot was held of record on April 1, 1940 under a separate and distinct ownership from adjacent lots. It is the further opinion of this Board that the setback requirements of Chapter IV, Section 1, of the Building Code do not appear to have contemplated a case such as this where this is a legally existing building with one wall of combustible material less than ten feet from the party line. Although the proposed addition will encroach four feet into the existing side yard, the Board feels that this slight encroachment will not result in a fire hazard to the neighborhood and that manifest injustice will result to the appellants if the request is not granted.

Accordingly, the requested exception from the Zoning By-law and variance from the Building Code are authorized and the issuance of a permit by the Inspector of Buildings for the proposed addition in accordance with the plan submitted and on file with this Board is hereby granted.

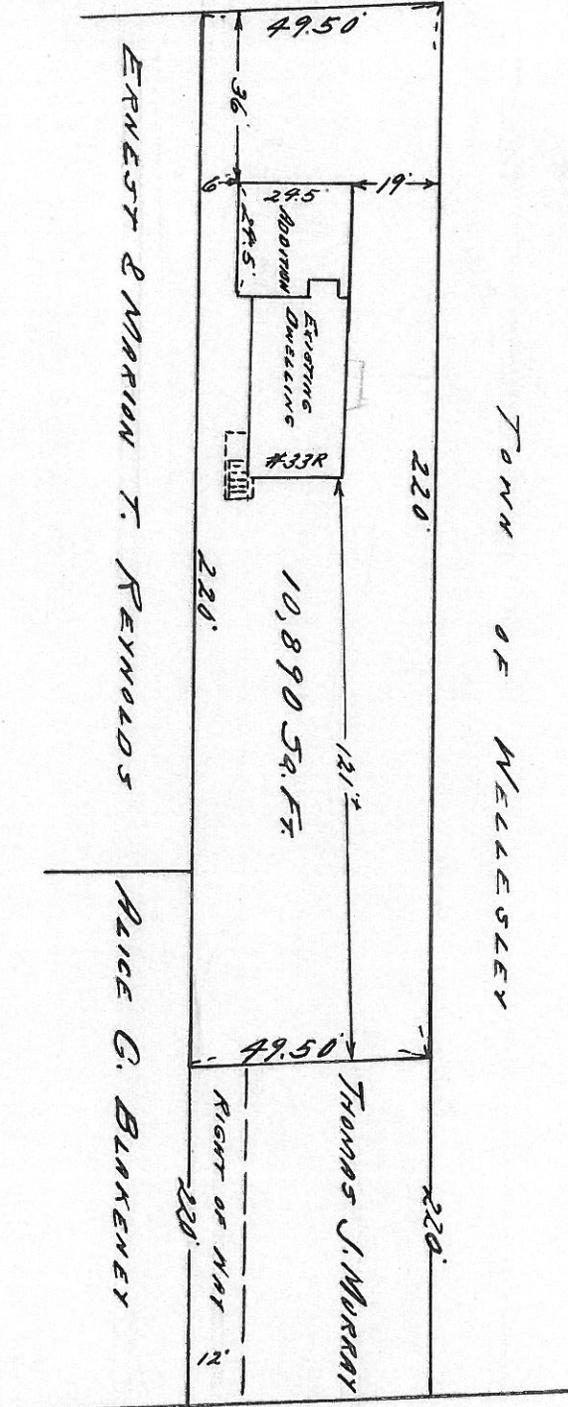
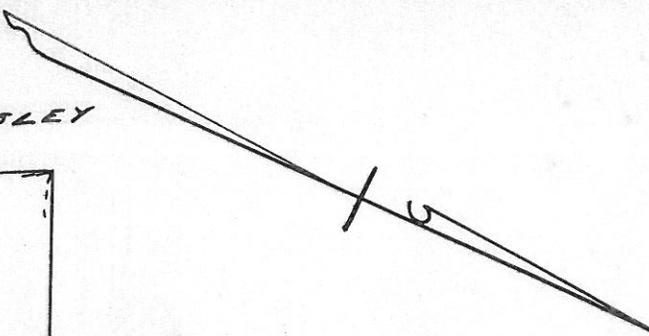

Garrett S. Hoag


Dana T. Lowell


F. Lester Fraser

Filed with Town Clerk _____

TOWN OF WELLESLEY



CEDAR STREET

PLAN OF LAND

WELLESLEY, MASS.

OWNED BY ERNEST L. & ANNELLESE REYNOLDS

SCALE 90 FEET TO AN INCH
NOVEMBER 12, 1965.
GLEASON ENGINEERING COMPANY

TOWN OF WELLESLEY

ERNEST & MARRION T. REYNOLDS

ALICE G. BLAKENEY

THOMAS J. MURRAY

10,890 SQ. FT.

RIGHT OF WAY 12'

49.50'

220'

220'

36'

220'

49.50'

220'

12'

6'

24.5'

24.5'

19'

220'

131'

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