



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
CE 5-1664

Petition of Robert and Virginia Burger

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 April 8, 1965, on the petition of Robert and Virginia Burger, requesting an exception from the terms of Section XIX, Yard Regulations, of the Zoning By-law which will permit them to enclose an existing porch on the side of their dwelling at 28 Cunningham Road with a side yard less than the required twenty feet.

Robert Burger represented the petitioners at the hearing.

On March 22, 1965, the petitioners filed their request for a hearing 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. It was built in 1933 prior to the enactment of Section XIX of the Zoning By-law requiring a minimum twenty-foot side yard.

The petitioners seek permission to enclose an existing porch on the northerly side of their dwelling in order to provide an additional room on the first floor. The petitioners have four teenage children and need additional space. The house has a kitchen, dining room and living room on the first floor with four bedrooms on the second floor. The proposed enclosure will provide a den which may be used by the entire family as well as provide a TV room for the children. The porch is approximately 10' x 20' and lies approximately 15' from the northerly lot side line at the nearest point. A plot plan was submitted which showed the existing house on the lot. Said plan was drawn by R. S. Wharton and C. M. Thrasher, Land Surveyors, Natick, Mass., dated March 14, 1959.

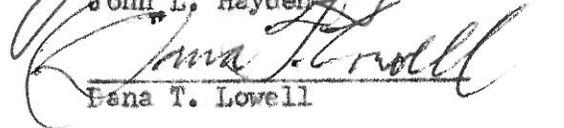
Decision

It is the opinion of this Board that a real need exists for the additional room which the proposed enclosure will provide. The lot is small with a frontage of only 61.16' and a depth of 85.15', with the house located only 12' from the southerly lot side line and only 15' from the northerly lot side line. Because of this, and the shape of the lot, it would not be possible to construct an addition on the dwelling and comply with the existing Zoning By-law. Compliance with the requirements of Section XIX of the Zoning By-law is, therefore, impracticable because of the width, depth and shape of the lot which was held of record on April 1, 1940, under a separate and distinct ownership from adjacent lots. The facts in this case, therefore 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 restriction of the Zoning By-law.

It is the further opinion of this Board that the proposed enclosure of the porch will improve the appearance of the property involved and enhance the neighborhood.

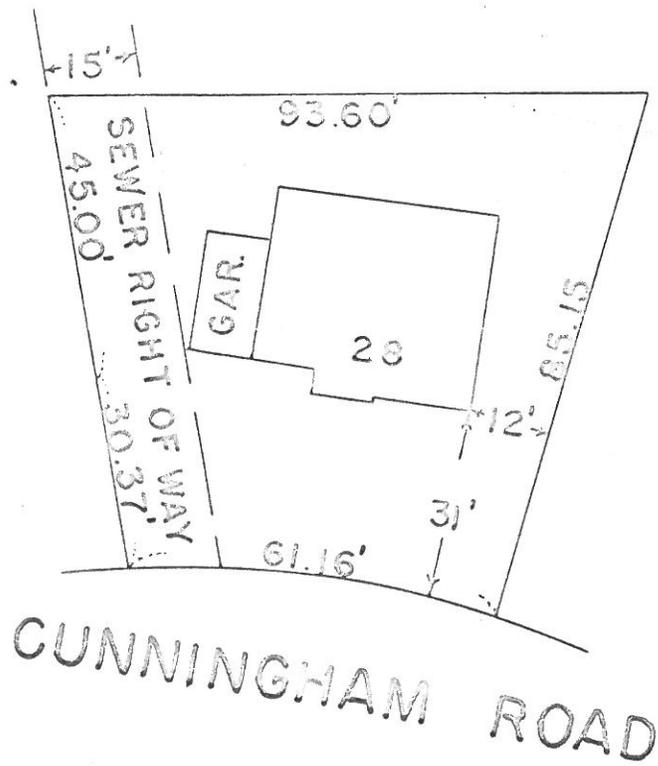
Accordingly, the requested exception is granted and the issuance of a permit for the proposed enclosure of the porch in accordance with the plan submitted and on file with this Board is hereby directed.


Garrett S. Hoag

John L. Hayden

Fana T. Lowell

Filed with Town Clerk _____

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CUNNINGHAM ROAD

COMPILED PLOT PLAN
 OF LAND IN
 WELLESLEY, MASS.

APPLICANT- GLENN M. FOSTER

R. S. WHARTON & C. M. THRASHER

LAND SURVEYORS

NATICK, MASS.

SCALE 1 IN. = 30 FT.

MARCH 14, 1959

NOTE - THIS PLAN IS NOT A RECORD PLAN, SURVEY, OR HOUSE CERTIFICATION