

TOWN OF WELLESLEY



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SHERMAN J. L. BROWN  
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BOARD OF APPEAL

1959 JUL 10 AM 11:38

Appeal of William H. and Katherine J. Golden

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the first floor of the Intermediate Building at 324 Washington Street at 8:00 p.m. on May 27, 1959 on the appeal of William H. and Katherine J. Golden from the refusal of the Inspector of Buildings to issue a permit to them to alter their dwelling at 9 Stonecleve Road.

Statement of Facts

The Inspector of Buildings under date of May 12, 1959 notified the appellants in writing that a permit for the proposed addition could not be granted because the same would violate Section 9-C of the Zoning By-law which requires a twenty-foot side yard and Chapter IV, Section 1, of the Building Code which requires that all Type V buildings shall be placed at least ten feet from a party line. On the same date the appellants took an appeal in writing from such refusal and thereafter due notice of the hearing was given by mailing and publication.

The subject premises is located within a single-residence zone requiring a minimum area of 10,000 square feet.

The appellants were represented at the hearing by Katherine J. Golden who stated that it is her desire to construct an addition eight feet in depth across the entire width of the house in the rear; the addition, if built, will enlarge the existing kitchen and bedroom both of which are now very small; the extension will continue the line of the existing house and will lie 7.3' from the lot side line on the west and eight feet from the lot side line on the east; the house on the adjoining lot is approximately twenty feet from the lot line, therefore there will be approximately thirty feet between the proposed addition and the house on the adjoining lot. Mrs. Golden stated further that she acquired the vacant lot of land on the easterly side of the house since petitioning the Board for the variance but pointed out that it would not be practical to construct the addition on that side of the house because of the room arrangement. A plot plan was submitted, drawn by Edward G. Hart, Reg. Engineer, which showed the existing dwelling on the lot as well as the proposed addition. Mrs. Golden stated that she has owned the property for approximately twenty years and is renovating it for her son's use but intends eventually to make it her home. The house is located in the Morse's Pond area where most of the houses were originally built as summer camps and subsequently improved and enlarged.

The house was built prior to the enactment of the Zoning By-law requiring a twenty-foot side yard and was held of record on April 1, 1940 under a separate and distinct ownership from other adjacent lots. The lot has a frontage of 60.0' narrowing in the rear to 39.2 feet.

Weston L. Earle, 17 Stonecleve Road, spoke in favor of granting the requested permit.

The Planning Board offered no objection in its report.

No objections were raised at the hearing to the granting of the requested variance.

Conclusion

After a careful study of the plans submitted and the facts presented, it is the opinion of this Board that a real need exists for the proposed addition and the desired location is the most suitable. No further encroachment will result upon the existing side yard area as the addition will continue the line of the existing house. It appears from the plan of the neighborhood that it has been generally developed by the construction of houses with side yards less than the required twenty feet and many of them less than the side yard which will result from the variance requested by the appellants. The vacant lot on the easterly side has been acquired by the appellants and because of its size cannot be used as the site for a residence.

In the opinion of the Board the proposed addition will not prove detrimental to the appearance of the house or to the neighborhood as it will be a one-story addition in the rear of the dwelling and will not be visible from the street.

It is the finding of the Board, therefore, that compliance with the requirement of Section 9-C of the Zoning By-law would be impracticable because of the width, depth and shape of the lot and the instant case does not appear to have been contemplated by paragraph (b) of Section 1, of Chapter IV of the Code.

Accordingly, the requested variance is authorized and granted and the Inspector of Buildings is hereby directed to issue a permit for the proposed addition in accordance with the plans submitted and on file.

*Sherman J. L. Brown*  
Sherman J. L. Brown

*John L. Hayden*  
John L. Hayden

*Garrett S. Hoag*  
Garrett S. Hoag

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

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PLAN OF LAND  
IN  
**WELLESLEY, MASS.**  
OWNED BY  
**CHESTER J. & BRENDA L. GOLDEN**  
SCALE 40 FEET TO AN INCH  
APRIL 4, 1968.  
GLEASON ENGINEERING COMPANY

