

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

RICHARD O. ALDRICH  
DANA T. LOWELL  
F. LESTER FRASER

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Appeal of Carl A. and Theda S. Kuniholm

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 8:25 p.m. on April 25, 1968, on the appeal of Carl A. and Theda S. Kuniholm from the refusal of the Inspector of Buildings to issue a permit to them to construct a vestibule on the front of their dwelling at 27 River Glen Road. 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 thirty feet from the line of any public or private street, and Section XIX of the Zoning By-law which requires that all such buildings shall provide a front yard at least thirty feet in depth. Said appeal was made under the provisions of Chapter 1, Section 11, of the Building Code and Chapter 40A, Section 15, of the General Laws.

On April 19, 1968, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Carl H. Kuniholm spoke in support of the request at the hearing.

A letter favoring the request was received from Dorothea Clapp and Marguerite Pflieger, 23 River Glen Road.

Approval of the request was registered by Lieba Klaff, 24 River Glen Road.

Statement of Fact

The dwelling involved, which was constructed in 1954, is located within a Single-residence District on a lot containing 10,000 square feet as required.

The appellants seek permission to construct an enclosed entrance porch approximately 4'4" x 11' with an open platform on the front of their dwelling to replace the existing front entry. It was pointed out that the existing door is flush and there is no protection to the house during cold and stormy weather, a condition which creates hardship to the appellants who occupy the dwelling. It was also pointed out that the proposed entrance porch will be attractive and will enhance the appearance of the house.

A plot plan was submitted, drawn by MacCarthy Engineering Service, Inc., dated March 4, 1968, which showed the location of the dwelling on the lot as well as the proposed entrance porch. Said plan showed the entrance porch to be 4'4" x 11' with a 9" overhang and an open platform 4' x 11', with the porch 29.6' from Riverglad Road.

APPEAL FILED  
TOWN OF WELLESLEY  
MAY 1 1968

Decision

It is the opinion of the Board that a real need exists for the proposed entrance porch and that the facts satisfy the conditions set forth in Chapter I, Section 10, of the Building Code on which the Board's authority to vary the conditions of the Code depends. In its opinion a manifest injustice may be done to the appellants if they are not permitted to protect their dwelling house against winds and storms.

Under Section XIX of the Zoning By-law, which also applies to this situation, the Board may not make special exceptions unless it finds that compliance with the requirements of said section is impracticable because of the width, depth or shape of the lot, and that the lot was held of record on April 1, 1939 under a separate and distinct ownership from adjacent lots. These requirements cannot be met in this case. However, the Board may also upon appeal, grant a variance under Section 15, Chapter 40A, of the General Laws, where it finds that due to conditions affecting the land or building involved but not affecting the zoning district generally a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship to the appellant, and where desirable relief may be granted without substantial detriment to the public good and without substantially derogating from the intent and purpose of such ordinance or by-law but not otherwise.

The proposed enclosure, if built, will be approximately forty-five square feet and less than fifty square feet, the size of a covered entrance porch which may under the by-law, lawfully extend into the required front yard.

In the opinion of the Board there exists here conditions which especially affect the appellants' dwelling without affecting generally the other dwellings in the zoning district. In its opinion, a literal enforcement of the provisions of the Zoning By-law will result in a substantial hardship to the appellants, and it appears from the evidence submitted that relief may be granted them without any substantial detriment to the public good, and, considering the minimal nature of the extension which they request and the substantial front yard area which will remain, without substantially derogating from the intent and purpose of the by-law.

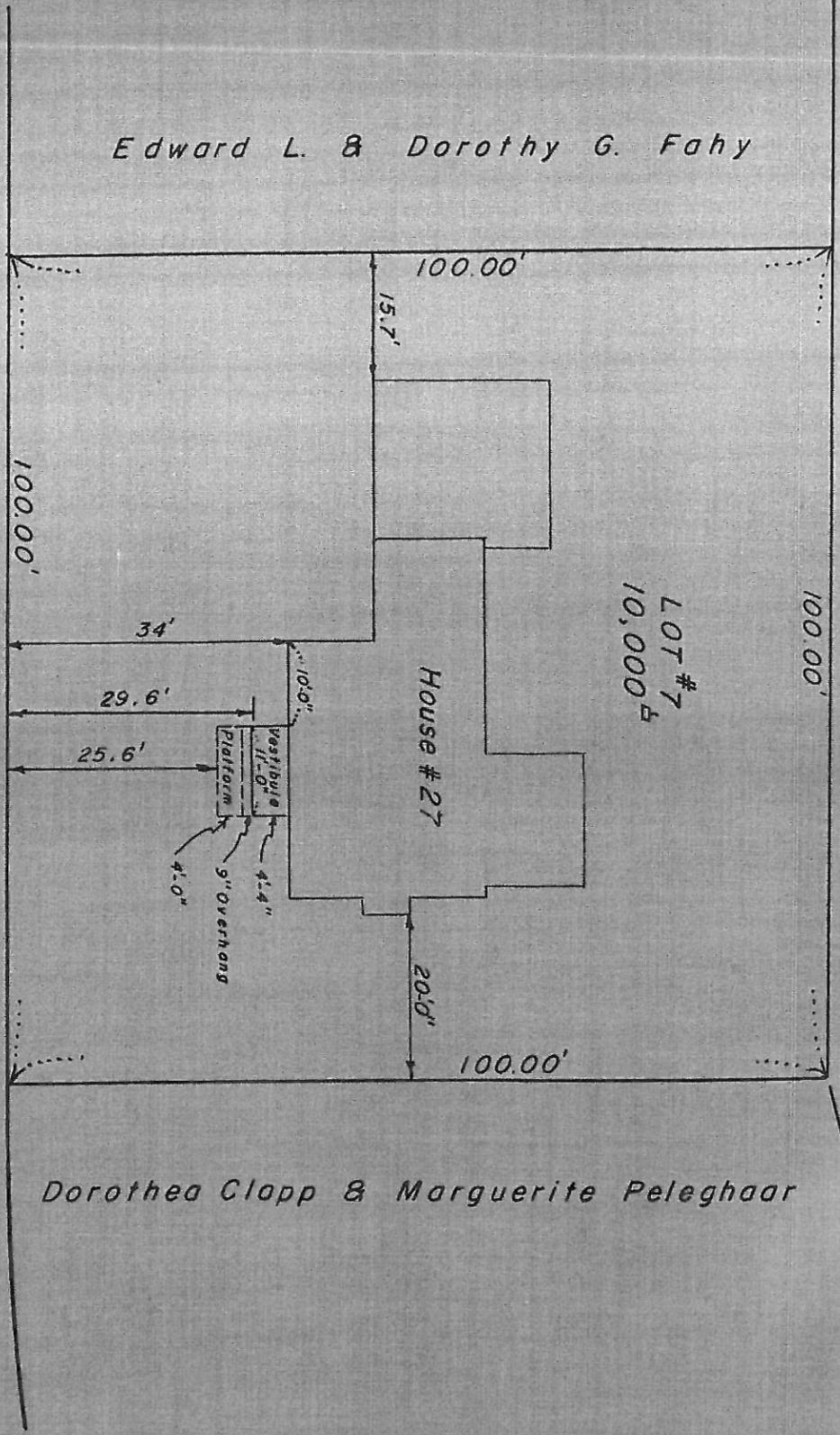
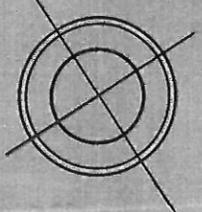
Accordingly, the requested exception and variance are granted and the issuance of a permit for the proposed porch enclosure in accordance with the plan submitted and on file with this Board is hereby directed,

*Philip H. R. Campbell*  
Philip H. R. Campbell  
*Dana T. Lowell*  
Dana T. Lowell  
*F. Lester Fraser*  
F. Lester Fraser

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

RECEIVED  
TOWN CLERK  
MAY 10 1954

Angelo DiGiando



# Riverglen Road

Approved by:  
WELLESLEY BOARD OF APPEALS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_

## Plan of Land in Wellesley, Mass.

Owned by: Carl A. & Theda S. Kuniholm

Scale: 1"=20' March 4, 1968



Plan by: McCarthy Engineering Service Inc.  
Natick, Mass.

14652A