



## BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK  
 TELEPHONE  
 235-1664

Appeal of Carleton Veda Topliffe

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 June 6, 1968, on the appeal of Carleton Veda Topliffe, from the refusal of the Inspector of Buildings to issue a permit to him to construct an addition on the rear of his dwelling at 95 Russell Road. The reason for such refusal was that said addition would violate Section XIX of the Zoning By-law which requires a twenty-foot side yard and Chapter IV, Section 1 (b) and 1 (c) of the Building Code which requires that the exterior walls of a Type V building shall be at least ten feet from any party line and that walls and pitched roofs five feet or less from a party line shall be constructed of masonry and openings in such walls or roofs shall be filled with metal or metal covered frames and doors or windows wherein the glass shall be wire glass.

On May 20, 1968, the Inspector of Buildings notified the appellant in writing that a permit for the proposed addition could not be issued for the above-mentioned reasons, and on May 21, 1968, the appellant took an appeal from such refusal.

The appellant spoke in support of the request at the hearing.

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 on a lot containing 5,148 square feet prior to the present by-laws requiring a minimum lot area and a twenty-foot side yard. The house is approximately 20' x 30' and contains a kitchen and living room on the first floor and two bedrooms on the second floor with a porch on the rear.

The appellant seeks permission to construct an addition 19' x 26.5' which will enlarge the existing two-story porch on the rear or lake side of the house, and will provide a living room on the level of the first floor and permit remodeling the the present two first-floor rooms into a kitchen, lavatory, dining room and library. It will also provide a new second entrance to the house and a new second stairway to the bedrooms above. A room will also be provided below the first-floor level. The proposed addition, if built, will continue the line of the existing house on the northerly side and will be nine feet from the side line. On the southerly side it will continue the line of the existing porch and will be two feet from the side line. It was pointed out that the proposed addition will not create a greater degree of non-conformity or closer encroachment on the lot lines and that the encroachment on the closer side does not approach any existing or possible future building as the land is vacant and is owned in conjunction with the adjoining house lot.

A plot plan was submitted, drawn by Gleason Engineering Company, dated May 13, 1968, which showed the existing house as well as the proposed addition.

Decision

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 restriction of that section. The lot was held under separate ownership on April 1, 1940, is narrow, only 37½' wide. Compliance, therefore, is impracticable because of its width.

It is the opinion of this Board that the granting of the requested exception and variance will not injure the neighborhood. Many of the houses within the area are located closer to the side lines than the required distance and the Board feels that the provision of the Building Code did not appear to have contemplated the circumstances of this specific case.

Accordingly, the requested exception and variance are granted and the Building Inspector is hereby authorized to issue a permit for the proposed addition in accordance with the plan submitted and on file with this Board.

  
Richard O. Aldrich

  
Dana T. Lowell

  
Robert T. Colburn

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

RECEIVED  
TOWN OFFICE  
SEP 13 11 11 33

PLAN OF LAND  
IN  
WELLESLEY, MASS.

CARLETON V. & VERNA K. TOPLIFFE

SCALE 40 FEET TO AN INCH

MAY 13, 1968.

GLEASON ENGINEERING COMPANY

