69-34

TOWN OF WELLESLEY MASSACHUSETTS

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Frank J. and Kathleen E. Zach

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 9:00 p.m. on April 29, 1969, on the petition of Frank J.and Kathleen E. Zach, requesting a special exception from the terms of Section XIX of the Zoning By-law which will allow them to raise the roof and extend the side walls of their dwelling at 277 Weston Road which stands less than the required twenty feet from the side lot line.

On April 7, 1969, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Frank J. Zach spoke in support of the request at the hearing.

Malcolm Smart, 5 Hardy Road, spoke in favor of the petition.

A petition, signed by thirteen nearby property owners, was submitted, approving the proposed construction.

Statement of Facts

The house involved was built in 1927, prior to the enactment of Section XIX of the Zoning By-law requiring a twenty-foot side yard, and is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The petitioners seek permission to raise the roof and extend the side walls of the dwelling in order to provide three bedrooms and a future bedroom on the second floor. The house now has only one bedroom on the first floor and the petitioners are using the dining room for a bedroom for their children. The additional space, therefore, is urgently needed for the petitioners' growing family.

The house is a one and one-half story dwelling located 14.1' from the lot line on the northerly side and 33' from the lot line on the southerly side, and it is proposed to raise the roof and extend the exterior side walls on both sides, with no further extension into the side yards.

A plot plan was submitted drawn by MacCarthy Engineering Service, Inc. which showed the location of the dwelling on the lot. Architectural plans were also submitted which showed the proposed construction.

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 restrictions of the Zoning By-law. The house was built prior to the enactment of the side yard requirement of twenty feet and was held of record on April 1, 1940, under a

separate and distinct ownership from adjacent lots. While the lot is rectangular in shape, it is narrow, and the house is so situated on the lot, that it would not be possible to expand the second floor to a size which would be practical without violating the yard restriction on the northerly side. Compliance, therefore, with the side yard requirements is impracticable because of the width and shape of the lot.

The Board feels that as there will be no increase in the encroachment in the side yard on the ground level that the proposed construction will not prove detrimental to the public good nor derogate from the intent and purpose of the by-law.

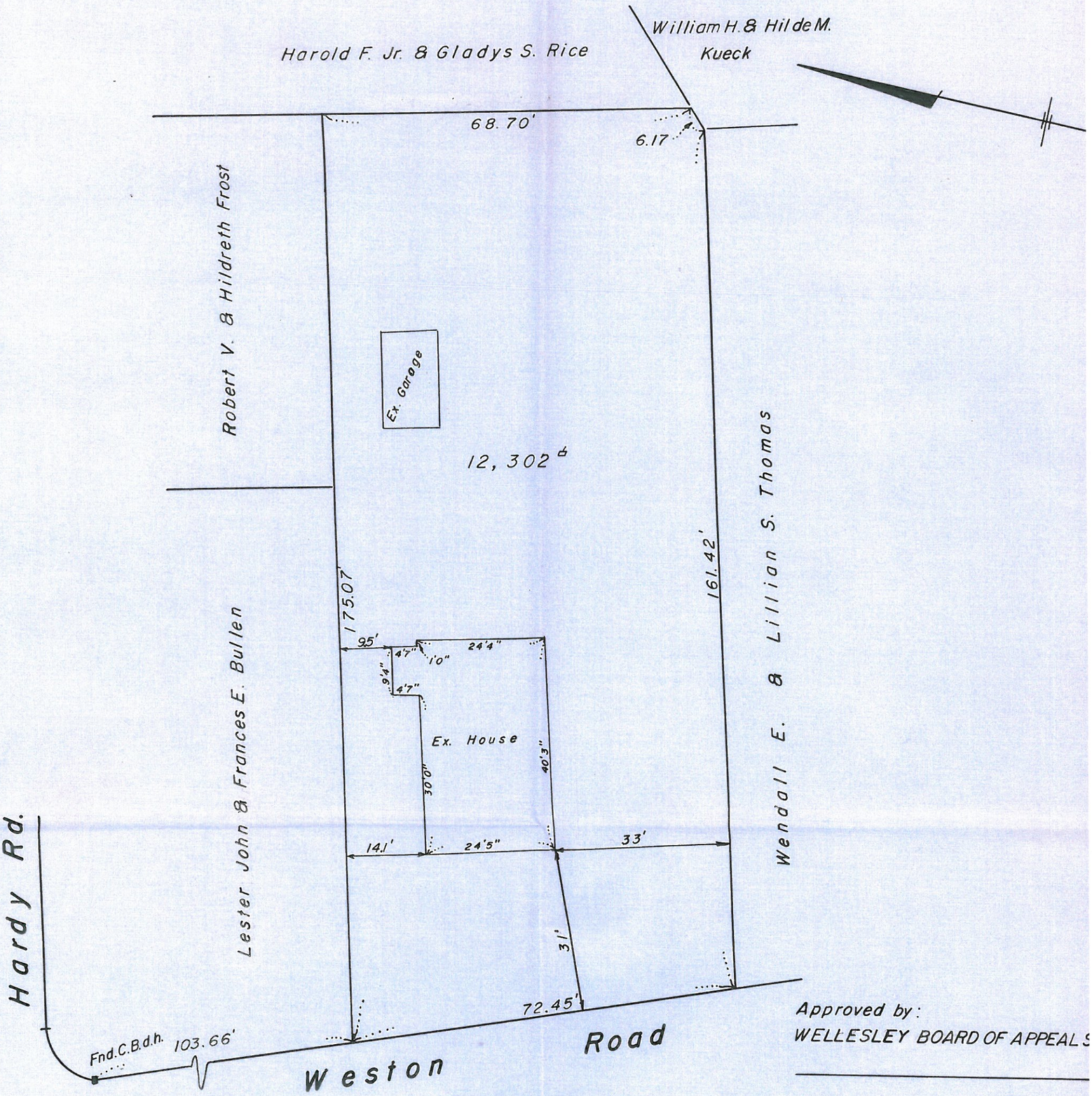
It is, therefore, the unanimous opinion of this Board that the requested exception may be granted for the proposed construction which consists of raising the roof and extending the side walls of the dwelling involved as shown on the plan submitted and on file with this Board, and the Building Inspector is hereby authorized to issue a permit for such construction.

Richard O. Aldrich

Dana T. Lowell

Robert T. Colburn

Filed with Town Clerk _____



Approved by:
WELLESLEY BOARD OF APPEALS

Date

Plan of Land in Wellesley, Mass.

Owned by: Frank J. & Kathleen E. Zach

Scale: 1"=20'

COMMONWEALTH OF MASSACHUSETTS
JOSEPH R. SULLIVAN
No. 18846
REGISTERED LAND SURVEYOR

April 21, 1967

Survey by: MacCarthy Engineering Service Inc.
Natick, Mass.