

69-75

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 Edward J. and Gloria A. Harrington

Pursuant to due notice the Board of Appeal held a public in the hearing room on the second floor of the Town Hall at 8:25 p.m. on December 4, 1969, on the appeal of Edward J. and Gloria A. Harrington, from the refusal of the Inspector of Buildings to issue a permit to them to construct an addition on the rear of their dwelling at 1/4 Oakland Circle. The reason for such refusal was that said addition would violate Chapter IV, Section 1, of the Building Code which requires that all buildings shall be placed at least thirty feet from the side line of any public or private street and at least fifty feet from the center line of any public or private street, and Section XIX of the Zoning By-law which requires that there shall be provided for all such buildings a side yard not less than twenty feet from the side boundary line and at least thirty feet from the street line.

On November 17, 1969, the Inspector of Buildings notified the appellants in writing that a permit could not be issued for the proposed construction for the above-mentioned reasons, and on the same date the appellants took an appeal from such refusal. Thereafter due notice of the appeal was given by mailing and publication.

Edward J. Harrington spoke in support of the appeal at the hearing.

Joseph F. Lentini, 22 Oakland Circle, spoke in favor of the request at the hearing.

Statement of Facts

The house involved which was built prior to the enactment of the Zoning By-law requiring a thirty-foot front yard, is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The appellants seek permission to construct a one-story addition at the rear of their dwelling which is designed to enlarge their existing kitchen. The addition is to be built around the kitchen, extending it approximately 8.6' on both side. While the proposed addition, if built, will lie only 14.5' from Oakland Circle rather than the required thirty feet, it will not be as close to the street as the existing house which is only 11.2' at the nearest point. On the easterly side the addition will be 16.65', the same distance as the existing dwelling. It was stated at the hearing that there is a real need for the proposed addition; that the kitchen, which is less than 12' x 12', does not have space for a table and the additional space which the proposed addition will provide is urgently needed by the appellants and their four children.

A plot plan was submitted, drawn by James H. Harrington, Reg. Eng., dated November 1968, which showed the existing dwelling on the lot as well as the proposed addition.

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Decision

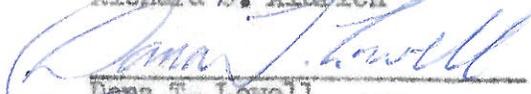
The facts in this case satisfy the conditions set forth in Section XIX of the Zoning By-law on which the Board's authority depends to grant a special exception from the application of the yard restrictions of that section and Chapter I, Section 10, of the Building Code on which the Board's authority depends to grant a variance from the requirements of Chapter IV, Section 1, of the Building Code.

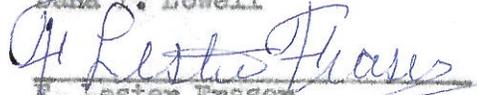
The house was built prior to the enactment of the yard requirements and was held of record on April 1, 1940 under a separate and distinct ownership from adjacent lots. The lot which contains 11,249 square feet, is a corner lot with the house located approximately seven feet from Oakland Circle on one side and approximately eleven feet from the street line at the nearest point on the other side. The proposed addition is designed to continue the existing line of the house on both sides and, if built, will not encroach any closer to the lot line or the street line than the existing house. It would not be possible to construct an addition of practical size on the house without encroaching into the front and side yards. Compliance, therefore, with the yard restrictions is impracticable because of the shape of the lot and the location of the house on it.

The Board feels that there is a real need for the proposed addition and that manifest injustice would result to the appellants if the requested variance is not granted. It is the further opinion of the Board that the provisions of the Building Code did not contemplate the circumstances of this specific case, and that the proposed addition will not prove detrimental to the neighborhood nor derogate from the intent and purpose of the by-law.

Accordingly, the requested exception and variance are granted and the Inspector of Buildings is authorized to issue a permit for the proposed addition as shown on the plan submitted and on file with this Board.


Richard D. Aldrich


Dana T. Lowell


F. Lester Fraser

Filed with Town Clerk 1/16/20

1920 JAN 16 PM 4:43

MEETINGS' HALLS'
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OAKLAND CIRCLE (private way)

N 7°-05' W 146.73'

OAKLAND CIRCLE

PRIVATE WAY TO OAKLAND ST

Christine J. Lanegan

John J and Eunice E Di Maio

EXISTING HOUSE #14

PROPOSED

AREA = 11,249 SQ. FT.

113.0' Est.

10'

573.34' W

85.94'

John J. and Eunice E Di Maio

Joseph and Edith F Lentime

PLOT PLAN OF LAND IN WELLESLEY, MASS

EDWARD J. and GLORIA A. HARRINGTON

SCALE 1" = 20' MAY 1978

C.B.

C.B.

10'