



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 James J. and Joan M. Tynan

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 8:15 p.m. on March 19, 1970, on the petition of James J. and Joan M. Tynan, to construct a room above the existing attached garage on the side of their dwelling at 15 Hilltop Road. The proposed addition would continue upward the line of the existing garage which stands in violation of Section XIX of the Zoning By-law requiring a side yard not less than twenty feet in width.

On February 25, 1970, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

James J. Tynan spoke in support of the petition at the hearing.

A petition favoring the request and signed by sixteen nearby property owners was submitted at the hearing.

No objections were made to the granting of the request.

Statement of Facts

The house involved was built in 1928, prior to the enactment of Section XIX of the Zoning By-law requiring a minimum twenty-foot side yard, and is located within a Single-residence District requiring a minimum lot area of 10,000 square feet. The attached garage is 7.8' from the lot line on the southerly side with its exterior walls covered with stucco.

The petitioners seek permission to raise the roof of the attached garage and construct a bedroom above the garage. The house has only one bedroom and a very small enclosed porch which is occupied as a bedroom by the petitioners' nine-year old daughter. The house has only one closet and the proposed addition, if built, will provide adequate space for a bedroom as well as a desperately needed closet. The measurements of the floor area of the new room would be 10.2' x 17.2'. It was pointed out that the proposed construction will not encroach any nearer to the lot line than the existing garage and should not in any way prove detrimental to the neighborhood.

A plot plan was submitted, drawn by Joseph Selwyn, Civil Engineer, Belmont, dated May 1, 1960, which showed the existing dwelling and attached garage on the lot.

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 that section. The lot is narrow 60' x 104.91', which makes compliance

WELLESLEY, MASS.
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with the law impracticable if an appropriate addition is to be made to the house. The Board, therefore, feels the only feasible way to provide an additional bedroom is the proposed plan. The lot was held under separate and distinct ownership from adjacent lots on April 1, 1940.

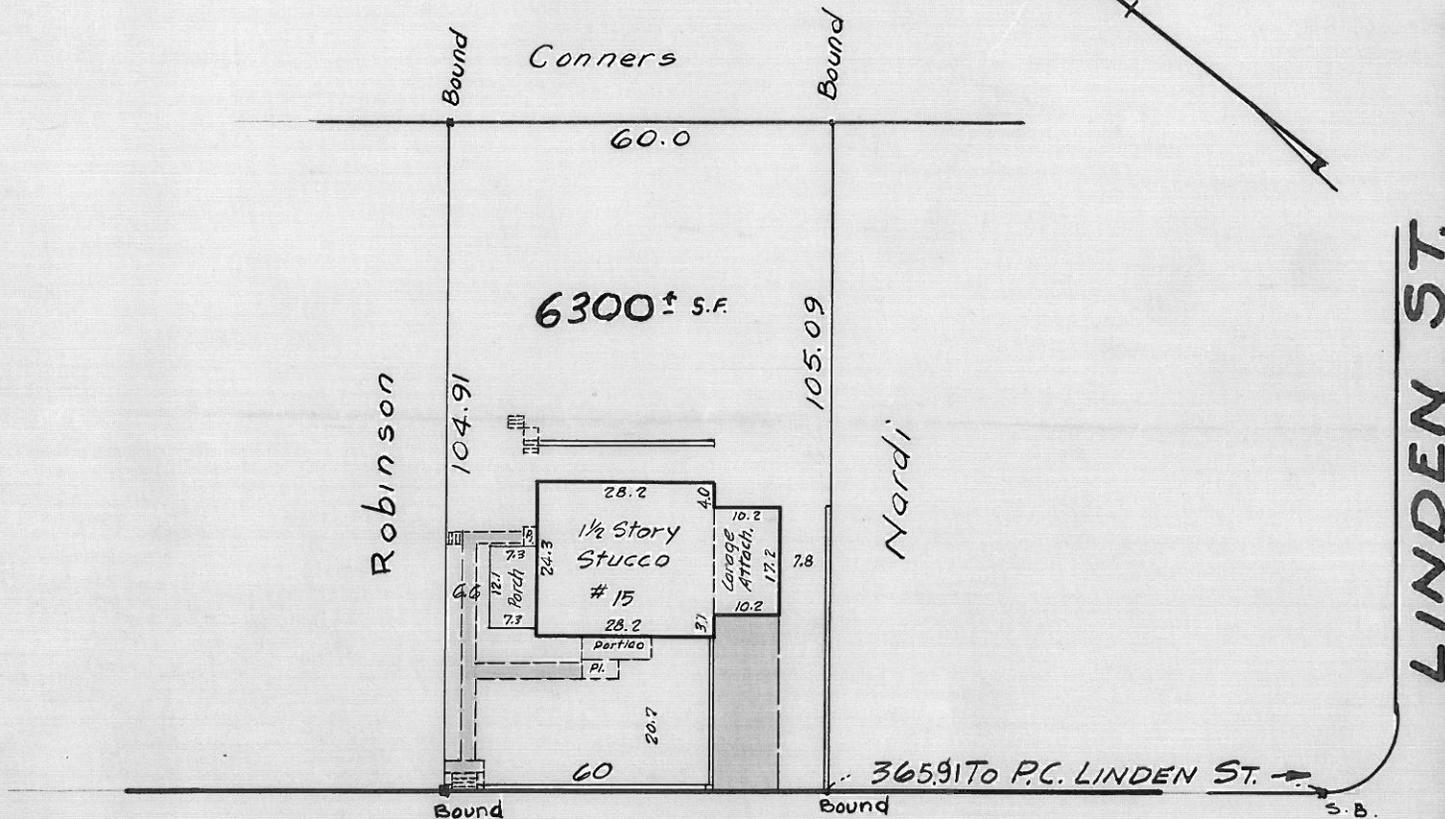
It is the unanimous opinion of this Board that the requested exception will not injure the neighborhood and permission is granted to raise the roof of the attached garage as shown on the plan submitted and on file with this Board and the Building Inspector is hereby authorized to issue a permit to construct such addition.

Philip H. R. Cahill
Philip H. R. Cahill
Dana T. Lowell
Dana T. Lowell
F. Lester Fraser
F. Lester Fraser

Filed with Town Clerk 4/10/70

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#127541



HILLTOP RD.

MORTGAGE SURVEY PLAN

Location **WELLESLEY**
 Scale 1 in. = 30 ft. Date **May 1, 1960**
 Plan reference: Being described by deed
 dated Recorded in **Norfolk** Registry of Deeds.
 Book **3190**, Page **64**

JOSEPH SELWYN, Civil Engineer
 14 Linden Avenue, Belmont

I hereby certify that the building shown on this plan is located on the ground as shown thereon and that it conforms to the zoning and building laws of the town of **Wellesley** when constructed and to restrictions on record.

Joseph Selwyn

NOTES
 NO MARKER