



## BOARD OF APPEAL

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

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 235-1664

Petition of Robert P. and Marie Suzanne Carvalho

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 8:40 p.m. on March 19, 1970, on the petition of Robert P. and Marie Suzanne Carvalho, requesting an exception from the terms of Section XIX of the Zoning By-law which will permit them to construct a room over their existing attached garage on the side of their dwelling at 139 Brook Street which is located less than the required twenty feet from the lot side line.

On March 4, 1970, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Robert P. Carvalho spoke in support of the petition at the hearing.

The Planning Board in its report stated that it opposed the subject petition because it would enlarge vertically an existing encroachment on the side yard where side yard provisions are otherwise maintained in the neighborhood.

No objections were made to the granting of the request at the hearing.

Statement of Facts

The house involved, which was built in 1935, is located within a Single-residence District requiring a minimum lot area of 20,000 square feet. In 1952 the Board of Appeal granted an exception to the owners of the property involved, allowing them to construct the attached garage on the side of the dwelling less than the required twenty feet from the side line.

The petitioners now seek permission to construct a room above the garage in order to provide more adequate sleeping quarters for their four children. The proposed room, if built, will continue vertically the existing line of the garage which is 12.3' from the lot line on the easterly side. It was pointed out that while the proposed addition will not increase the number of bedrooms, it will increase the size of the rooms and allow for necessary furniture which is not possible in two of the bedrooms now.

A plot plan was submitted, drawn by Gleason Engineering Company, dated March 1, 1970, which showed the existing dwelling and attached garage on the property. Said plan showed the house to be located 25' from the lot line on the westerly side and 12.3' from the lot line on the easterly side.

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 in 1935, 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 17,837 square feet, is rectangular in shape, approximately 100' x 180', and is relatively narrow in relation to the size of the house. The house stands only twenty-five feet from the boundary line on the westerly side, therefore it would not be possible to construct an addition of practical size and utility on either side without encroaching into the side yards.

In the opinion of this Board, there is a real need for more bedroom space for the petitioners' family and the proposed addition appears to be the most feasible way to provide it. The proposed addition, if built, will continue the existing line of the house and will not encroach any closer to the lot line than the attached garage.

The Board therefore finds that compliance with the yard restrictions is impracticable because of the width and shape of the lot and the location of the house on it 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 is 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.

*Philip H. R. Capill*  
Philip H. R. Capill

*Dana T. Lowell*  
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*F. Lester Fraser*  
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Filed with Town Clerk \_\_\_\_\_

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