



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Theodore Monacelli

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 June 25, 1970, on the petition of Theodore Monacelli, requesting a variance from the terms of Section XIX of the Zoning By-law which will permit the construction of a wooden deck on the rear of the dwelling at 17 Eaton Court with a side yard less than the required twenty feet. Said request is made under the provisions of Section 15, Chapter 40A, of the General Laws.

On June 5, 1970, the petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

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

Statement of Facts

The dwelling involved is one of four row houses, built approximately seventy-five years ago, on the westerly side of Eaton Court, and is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The petitioner seeks permission to construct a wooden deck at the rear of his dwelling approximately 8'6" above the rear yard elevation. The deck would extend the full width of the house, approximately thirty feet, and would be approximately 8'6" in depth. The side property lines run along the center line of the masonry party walls which separate the house involved from the adjacent houses.

It was stated that the proposed deck is needed to provide outdoor space for an infant close to household activities. In its location there will be privacy, sun and air, yet it will be modest in dimension and as unobtrusive as possible. The proposed deck, if built, will be stained to match the house trim used on all the dwellings and has been designed to meet the approval of the abutting neighbors.

A plot plan was submitted, drawn by Walter, Inc., Watertown, Mass., dated May 12, 1970, which showed the existing dwellings abutting the dwelling involved as well as the proposed deck.

Decision

It is the unanimous opinion of this Board after viewing the premises that the requested variance should be granted. While the house was built prior to the enactment of the Zoning By-law requiring a twenty-foot side yard, it adjoined other land of the same owner on April 1, 1940, and therefore, the Board is not authorized to make a special exception under Section XIX of the Zoning By-law. The Board, however, considered the request under the provisions of General Laws, Chapter 40A, Section 15, and in its opinion, due to conditions peculiarly affecting this lot, the desired deck will not reduce the value of property in the neighborhood and a literal enforcement of Section XIX

of the Zoning By-law will cause a substantial hardship to the petitioner which can be avoided without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law. The Board feels that the petitioner does have a problem to construct a deck of any size and comply with the Zoning By-law.

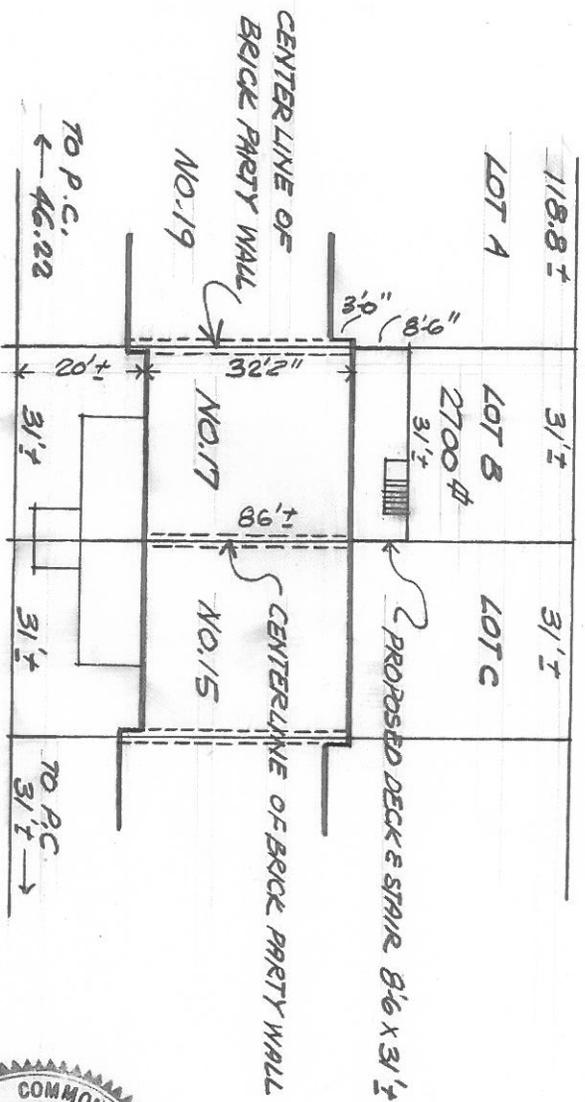
Accordingly, it is the opinion of this Board that a variance can be granted from the terms of Section XIX of the Zoning By-law under the provisions of Chapter 40A, Section 15, of the General Laws, and the Inspector of Buildings is authorized to issue a permit for the proposed deck as shown on the plan submitted and on file with this Board.

Richard O. Aldrich
 Richard O. Aldrich
F. Lester Fraser
 F. Lester Fraser
Edward T. Kilmain
 Edward T. Kilmain

Filed with Town Clerk _____

1910 NOV 25 11:20
 REGISTERED MAIL
 TOWN OF BRANTFORD

NORFOLK Registry of Deeds
 Deed in Book Page
 Plan in Book 2539 Page 425



EATON COURT

PLAN OF LAND
 IN

WELLESLEY MASS.

SCALE 1" = 30'
 MAY 12, 1970
 WALTER INC. REG. LAND SURVEYORS
 73 BUICK ST. WATERTOWN, MASS.