

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 Norman W. F. Higgins

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 8:20 p.m. on June 25, 1970, on the appeal of Norman W. F. Higgins, from the refusal of the Inspector of Buildings to issue a permit for the construction of an enclosed entrance porch on the front of the dwelling at 31 Martin Road. The reason for such refusal was that said addition would violate Section XIX of the Zoning By-law which requires that there shall be provided for all such buildings a front yard not less than thirty feet in depth and 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 fifty feet from the center line of any public or private street.

Molly R. Higgins, wife of the appellant, spoke in support of the appeal at the hearing.

On June 5, 1970, the Inspector of Buildings notified the appellant that a permit could not be issued for the proposed construction and on the same date the appellant took an appeal from such refusal. Thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The dwelling involved which was built in 1937, on a lot containing 10,000 square feet, is located within a single-residence district requiring a minimum lot area of 10,000 square feet. It was built 31' 6" from the side line of Martin Road and the proposed vestibule, if built, will lie 25' from the street line.

The appellant seeks permission to construct an enclosed entrance porch 6' x 9'6" to provide protection for the house and closet space. It was stated at the hearing that the space between the stairs and the front door is very small which prevents the construction of a closet within the house.

A plot plan was submitted, drawn by Norman W. F. Higgins, P. E., No. 23145, which showed the location of the dwelling on the lot as well as the proposed entrance porch.

Decision

The Board finds that a real need exists for the proposed entrance porch and that a literal enforcement of the front yard provision of Section XIX of the Zoning By-law and the setback provision of Chapter IV, Section 1, of the Building Code would result in manifest injustice to the appellant. The lot is narrow and deep, 73' x 137', and due to the location of the dwelling on the lot, it would not be possible to construct an entrance porch and meet the present requirements of the Zoning By-law and the Building Code.

The Board has examined a plan of the neighborhood and finds that many of the houses have similar enclosures on the front of their homes, and to allow the construction of the proposed enclosure, in this case, will not prove detrimental to the neighborhood but will tend to improve it. For these reasons, the Board finds that compliance with the requirements of Section XIX of the Zoning By-law is impracticable because of the width, depth and shape of the lot and that the lot was held of record on April 1, 1939 under a separate and distinct ownership from adjacent lots.

Accordingly, the requested exception from the Zoning By-law and variance from the Building Code are authorized and the issuance of a permit by the Building Inspector of a permit for the proposed entrance porch in accordance with the plans submitted and on file with this Board is hereby granted.

Richard O. Aldrich
 Richard O. Aldrich

F. Lester Fraser
 F. Lester Fraser

Edward T. Kilmain
 Edward T. Kilmain

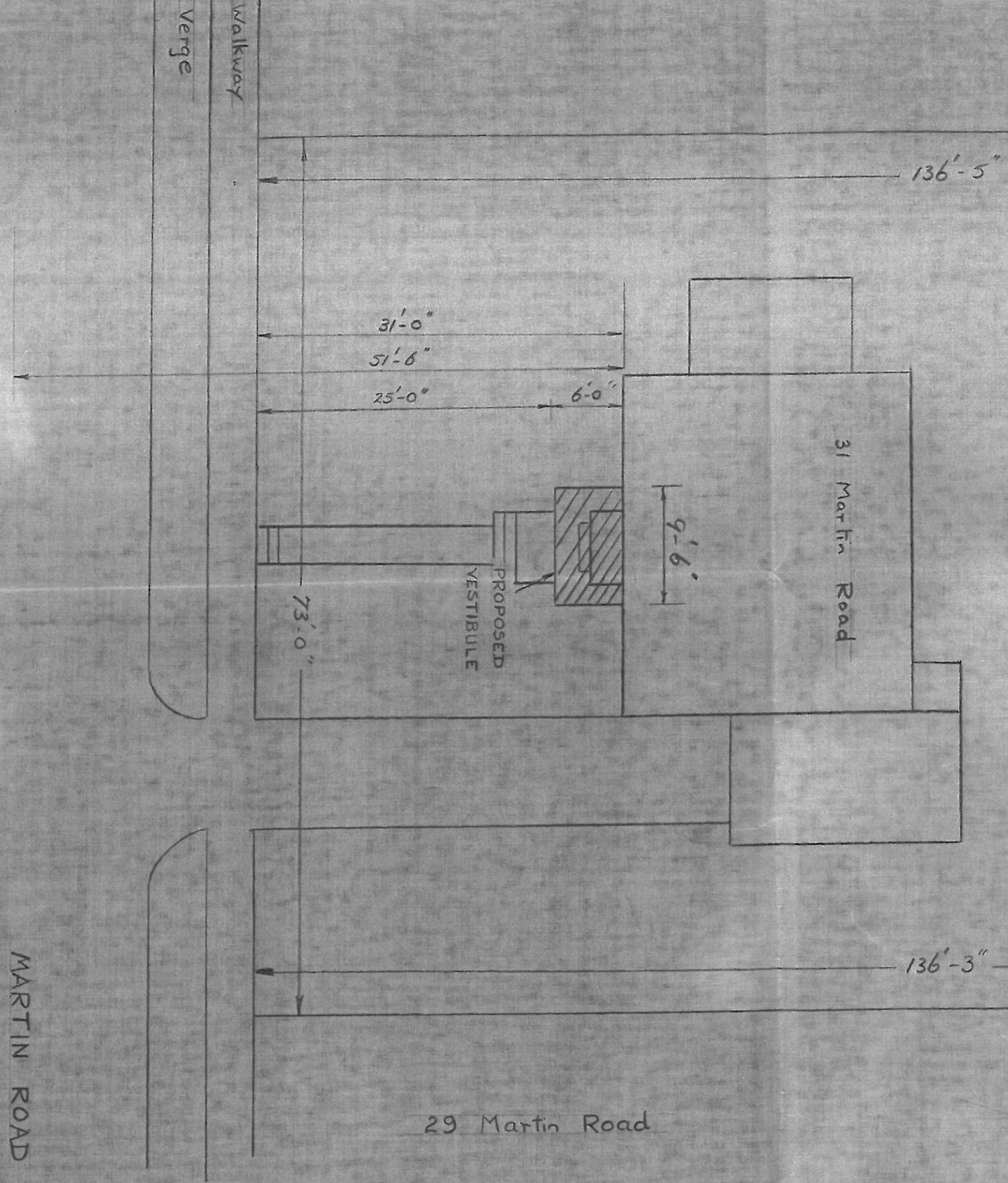
Filed with Town Clerk _____

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Norman W. F. Higgins

BROOKFIELD CIRCLE



MARTIN ROAD

29 Martin Road

APPLICATION FOR EXTENS
 TO DWELLING
 ADDITION OF VESTIBULE
 31 MARTIN ROAD
 APPLICANT: NORMAN W.F. HIGGINS
 DATE: APRIL 1970
 SCALE: 1 INCH = 10 FEET