71-51

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 Albert and Genevieve Beyer

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 August 26, 1971, on the petition of Albert and Genevieve Beyer, requesting an exception from the terms of Section XIX of the Zoning By-law which will allow them to construct a roof over an existing porch on the rear of the dwelling at 19 Cavanagh Road, with a side yard less than the required twenty feet.

On July 9, 1971, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Albert Beyer spoke in support of the request at the hearing.

A petition favoring the request and signed by three abutting property owners was submitted.

Statement of Facts

The dwelling involved is located within a Single-residence District requiring a minimum lot area of 10,000 square feet. It was built prior to the enactment of the Zoning By-law requiring a twenty-foot side yard, on a lot containing 9,725 square feet.

The petitioners seek permission to construct a roof over an existing deck and enclose it with screens in order to make it more liveable as it is now exposed to the weather and insects. The existing deck is 12'x14', and is located on the northwest corner of the house, 11' from the side lot line. There is to be no change made in the size of the existing deck.

A plot plan, drawn by Gleason Engineering Company, dated May 3, 1971, was submitted which showed the existing dwelling with the existing deck.

Decision

It is the unanimous opinion of this Board after viewing the premises that the requested special exception should be granted. The Board feels that the addition of a roof over the existing deck will not only prove beneficial to the petitioners, but will improve the property.

Due to the shape of the lot, its width being 68.00', and the location of the dwelling on it, compliance with the requirements of Section XIX of the Zoning By-law is impracticable. The lot was held of record on April 1, 1940, under a separate and distinct ownership from adjacent lots. Therefore, 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 vary the requirements of the side yard restrictions of the Zoning By-law.

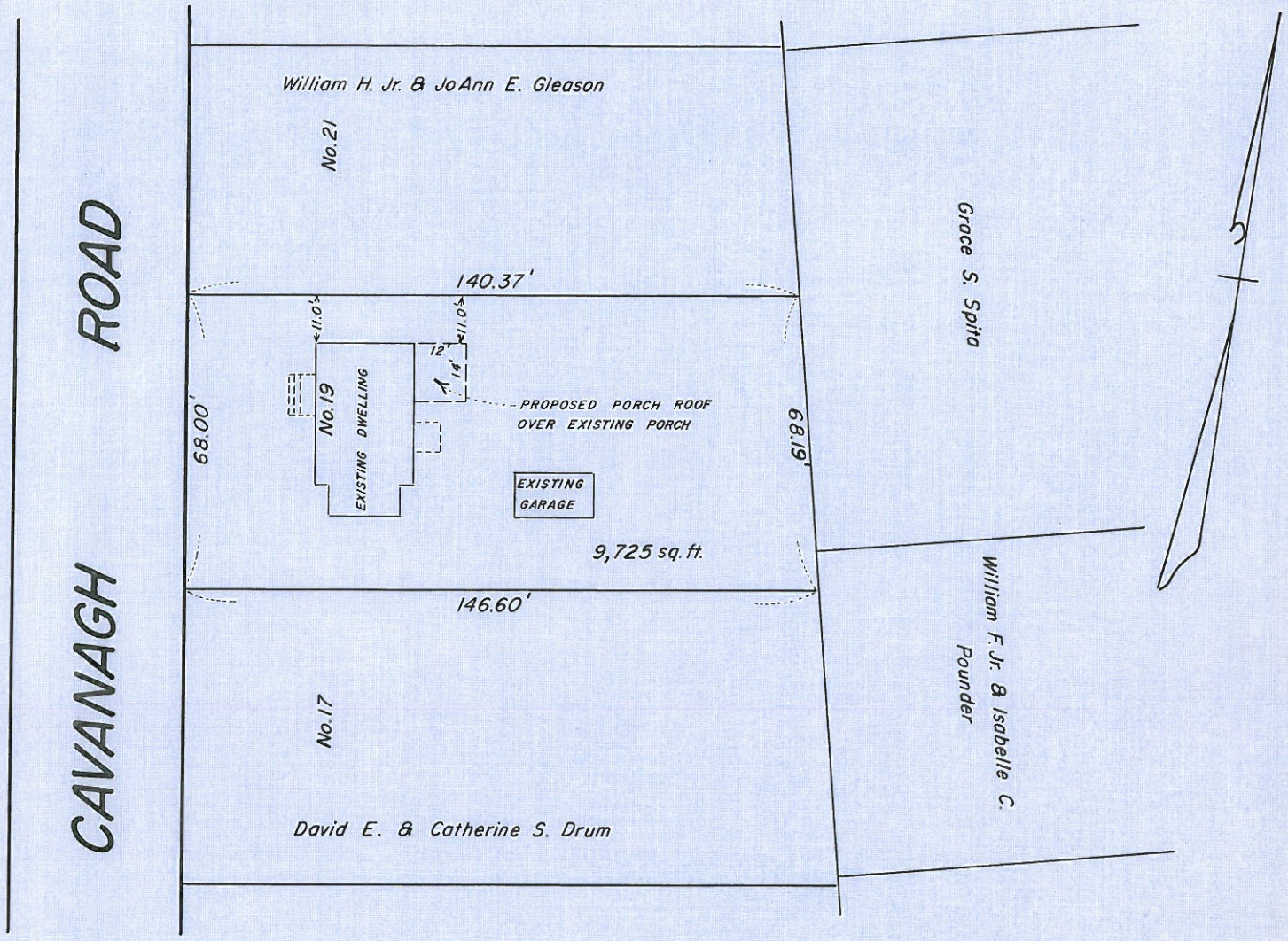
Accordingly, the requested exception is granted and the issuance of a permit for the proposed construction of a roof over the existing deck is hereby authorized in accordance with the plan submitted and on file with this Board.

Richard C. Aldrich

F. Lester Fraser

Robert T. Colburn

Filed with Town Clerk _____



PLAN OF LAND
IN

WELLESLEY, MASS.

OWNED BY

ALBERT & GENEVIEVE BEYER

Scale 40 feet to an inch

May 3, 1971

Gleason Engineering Company

COMMONWEALTH OF MASSACHUSETTS
WILLIAM H.
GLEASON
5164
REGISTERED
LAND SURVEYOR