

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 Vernon W. Robinson

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 August 26, 1971, on the appeal of Vernon W. Robinson from the refusal of the Inspector of Buildings to issue a permit to him to construct two dormer windows on his dwelling at 1 Lake Road. The reason for such refusal was that said dormer windows would violate Chapter IV, Section 1, of the Building Code which requires that all such 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 and Section XIX of the Zoning By-law which requires that there shall be provided for every building or structure a front yard at least thirty feet in depth and on lots bounded by more than one street, the yards next to the street shall have a side yard at least thirty feet in width. Said appeal was also requested under the provisions of Chapter 40A, Section 15, of the General Laws.

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On August 9, 1971, the Inspector of Buildings notified the appellant in writing that his application for a permit had been refused for the above-mentioned reasons, and on August 10, 1971, the appellant took an appeal therefrom. Thereafter due notice of the hearing was given by mailing and publication.

The appellant was represented at the hearing by Alonzo Fields.

Statement of Facts

The house involved which was built prior to the enactment of Section XIX of the Zoning By-law and Chapter IV, Section 1, of the Building Code, is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The appellant seeks permission to construct two dormer windows one on the front and one on the rear of his dwelling in order to enlarge the existing bedrooms on the second floor. It was pointed out at the hearing that there is no closet space and no bathroom on the second floor now and that the proposed dormer windows will also provide space for these as well as make two more usable rooms.

A plot plan was submitted, drawn by Alex Crucioli, Chelsea, dated July 10, 1971, which showed the dwelling on the lot to be located 19.2' from Lake Road at the nearest point, 17.3' from Bay Road at the nearest point and 10' from the southerly side line which abuts a vacant lot owned by the appellant.

Decision

The Board has made a careful study of all the facts in this case and has taken a view of the locus. The house involved was built over fifty

years ago and is located on a lot containing 5,512 square feet. It adjoins a vacant lot containing 4,890 square feet which is owned by the appellant and is used in connection with the house lot.

The two lots were held under one ownership on April 1, 1939, and, therefore, the Board is not authorized to make a special exception under Section XIX of the Zoning By-law with respect to the front and side yard requirement. It has, however, considered the request under the provisions of General Laws, Chapter 40A, Section 15, and in its opinion, the proposed dormer windows would not reduce the value of property in the neighborhood and a literal enforcement of Section XIX of the Zoning By-law would cause substantial hardship to the appellant 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 space which the proposed windows will provide will not only prove beneficial to the appellant and his family, but will be an improvement to the neighborhood.

It is the further opinion of this Board that manifest injustice would result to the appellant if the requested variance is not granted, and that the provisions of the Building Code did not contemplate the circumstances of this specific case which involves only changing the roof line.

It is, therefore, the opinion of this Board that a variance can be granted from the terms of Section XIX of the Zoning By-law and Chapter IV, Section 1, of the Building Code.

Accordingly, the appeal is granted for the construction of two dormer windows across the front and rear of the dwelling as shown on the plan submitted and on file with this Board, and the Building Inspector is hereby authorized to issue a permit for such construction.

Richard O. Aldrich
 Richard O. Aldrich

Lester Fraser
 L. Lester Fraser

Robert T. Colburn
 Robert T. Colburn

Filed with Town Clerk _____

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PLAN OF LAND

IN

WELLESLEY MASS

JULY 10, 1971.

SURVEYOR

Alex Crucoli
57 Winthrop Rd
Chelsea, Mass.

SCALE: 1" = 20'

