

TOWN OF WELLESLEY



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WELLESLEY, MASSACHUSETTS
71-56

BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Appeal of Richard G. Flaherty

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 August 26, 1971, on the appeal of Richard G. Flaherty from the refusal of the Inspector of Buildings to issue a permit to him to enclose the existing porch on his dwelling at 7 Middlesex Street. The reason for such refusal was that said porch stands in violation of 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 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 such building or structure a front yard at least thirty feet in depth and a side yard at least twenty feet in width.

On August 9, 1971, the Inspector of Buildings notified the appellant in writing 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.

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

Statement of Facts

The dwelling involved was built in 1910, on a lot containing 7,430 square feet, and is located within a Single-residence District requiring a minimum lot area of 10,000.

The appellant seeks permission to enclose the existing porch on the front of his dwelling in order to enlarge the family room on the first floor. It was stated that the room presently is only 10' x 12' and by removing the wall between the family room and the porch, it can be extended out approximately 7'. The appellant stated that he has five children and needs more space which the proposed extension will provide if the requested is granted.

A plot plan was submitted, drawn by George G. Hyland, P. E., which showed the existing porch to be 13.7' from the lot line on the northeasterly side and 18.7' from Middlesex Street.

Decision

The Board has taken a view of the locus and has studied the evidence submitted, and in its opinion, the proposed porch enclosure will not prove detrimental to the public good nor derogate from the intent or purpose of the by-law. The lot is narrow having a width of only 70' which makes compliance with the requirements of Section XIX of the Zoning By-law impracticable because of the width and shape of the lot, which was held on April 1, 1939, under a separate and distinct ownership from adjacent lots.

It is the feeling of this Board that there is a real need for the enlargement of the proposed room which the enclosure will provide and 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 no increase to the encroachment to the front or side yards. The Board further feels that the proposed construction will not prove detrimental to the neighborhood nor derogate from the intent and purpose of the by-law.

It is, therefore, the opinion of this Board that permission may be granted for the proposed construction, and the Inspector of Buildings is authorized to issue a permit for the enclosure of the existing porch in accordance with the plan submitted and on file with this Board.

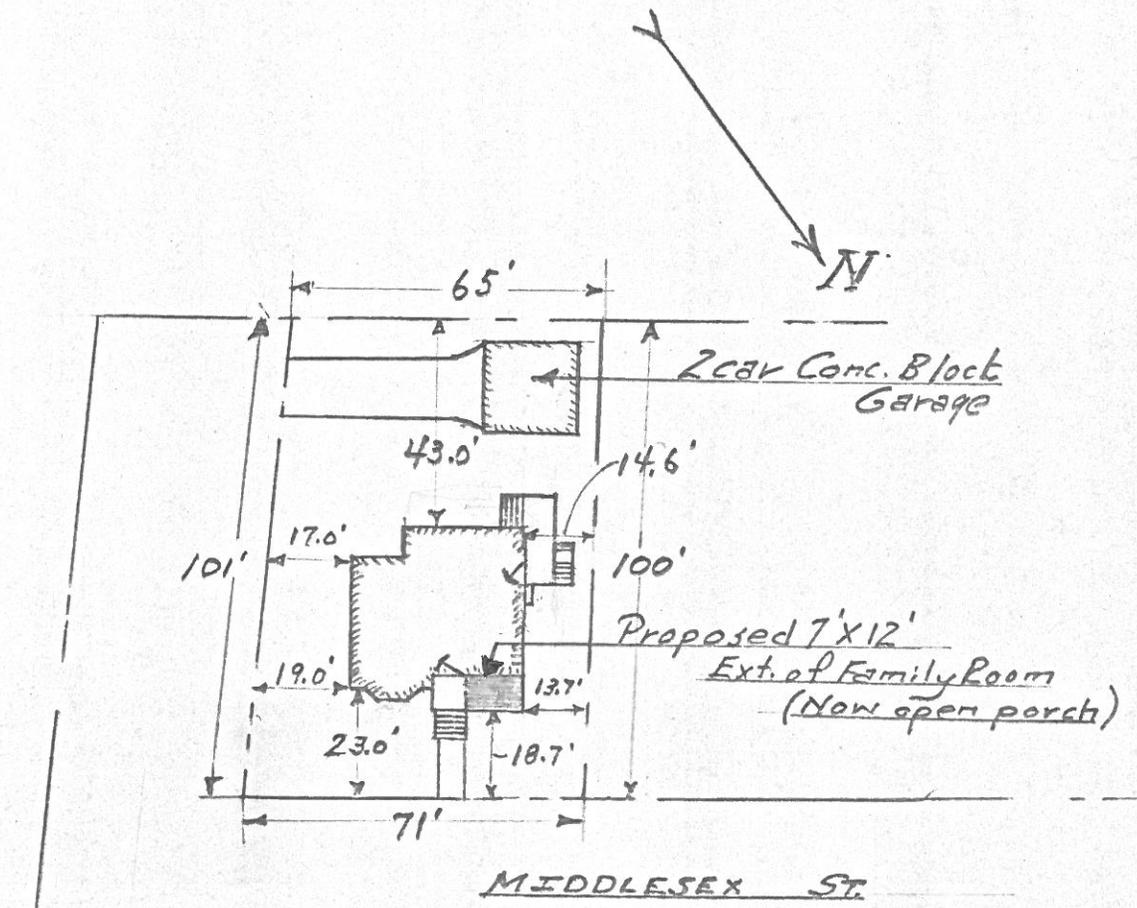
Richard O. Aldrich
 Richard O. Aldrich

F. Lester Fraser
 F. Lester Fraser

Robert T. Colburn
 Robert T. Colburn

Filed with Town Clerk _____

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PLAN OF PROPERTY
OWNED BY
Brenna A. & Richard G. Flaherty
At No. 7 Middlesex St. Wellesley
Scale - 1 inch = 40 feet

PLAN PREPARED BY:
George J. Hyland, P.E.
Mass. Registration No. 2797

ME 1, 1971