71-61

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 Duane R. Batista

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 November 18, 1971, on the petition of Duane R. Batista, requesting an exception from the terms of Section XIX of the Zoning By-law which will allow the petitioner to enclose an existing porch on the side of his dwelling at 5 Woodridge Road with a side yard less than the required twenty feet.

On November 1, 1971, 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. No objections were made to the granting of the request.

Statement of Facts

The dwelling involved was built in 1937, and is located within a Single-residence District requiring a minimum lot area of 15,000 square feet. It was built prior to the enactment of the Zoning By-law requiring a minimum lot area and a minimum twenty-foot side yard.

The petitioner seeks permission to enclose an existing porch, half of which will have screens and glass combination and the remainder will become part of an addition to be constructed at the rear of the house. The petitioner stated that he has three children and needs more living space which the proposed alteration will provide if the request is granted.

A plot plan was submitted, drawn by Alexander Crucioli, Chelsea, Mass., dated November 6, 1971, which showed the existing porch to be 19.12' from the side lot line at the nearest point.

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. In its opinion, there is a real need for the additional space which the proposed enclosure will provide.

The lot is relatively narrow and because of the size of the house and its location on the lot, compliance with the requirements of Section XIX of the Zoning By-law is impracticable because of its width and shape. It was held of record on April 1, 1940 under 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.

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Accordingly, the requested exception is granted and the issuance of a permit for the proposed enclosure in accordance with the plans submitted and on file with this Board is hereby granted.

Philip H. R. Cahill

Dana T. Lowell

Robert T. Colburn

Filed with Town Clerk _____

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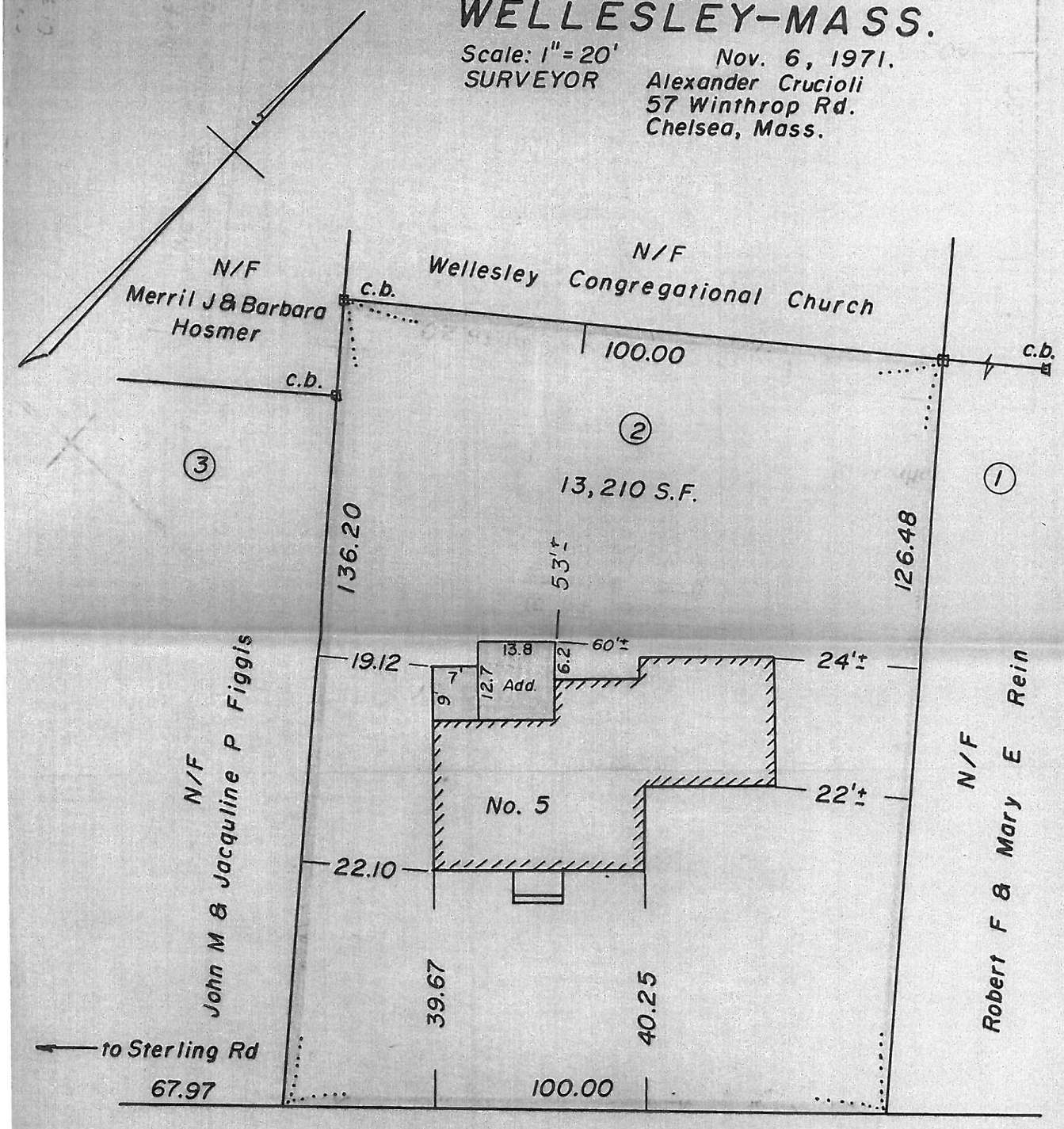
PLAN OF LAND
IN
WELLESLEY-MASS.

Scale: 1" = 20' Nov. 6, 1971.
SURVEYOR Alexander Crucioli
57 Winthrop Rd.
Chelsea, Mass.



COMMONWEALTH OF MASSACHUSETTS
ALEXANDER CRUCIOLI
10300
REGISTERED
LAND SURVEYOR