

TOWN OF WELLESLEY



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BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Petition of Frank J. and Katherine B. Sprole

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 8:25 p.m. on May 10, 1973, on the petition of Frank J. and Katherine B. Sprole, requesting a special exception from the terms of Section XIX of the Zoning By-law which will permit them to enclose their existing porch on the rear of their dwelling at 26 Garrison Road with a side yard less than the required twenty feet.

On March 30, 1973, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Frank J. Sprole spoke in support of the request at the hearing.

Clark Peters, 30 Garrison Road, stated that he was in favor of the the proposed construction which he felt would not only benefit the petitioners but would also enhance his property and the neighborhood.

A letter favoring the request was received from Harry E. Warren, 26 Garrison Road, in which he stated that he and his wife not only have no objections to the new construction, but also feel that it will be an asset to that home and to the other two properties upon which it abuts.

Statement of Facts

The dwelling involved was built in 1937, on a lot of land which was held under separate and distinct ownership from adjacent lots on April 1, 1940, and prior to the enactment of the Zoning By-law requiring a twenty-foot side yard. The lot contains 10,000 square feet and is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The petitioners seek permission to enclose an existing porch on the rear of their dwelling in order to provide a play room for their children. The kitchen is small, it was stated, and the living room is unsatisfactory for the play area needed. The existing porch lies approximately 16' from the boundary line on the westerly side and the proposed enclosure will not result in any greater extension.

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 with a width of seventy feet 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 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 enclosure in accordance with the plan submitted and on file with this Board is hereby granted.

*Richard O. Aldrich*  
Richard O. Aldrich  
*F. Lester Fraser*  
F. Lester Fraser  
*Stanley J. Glod*  
Stanley J. Glod

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