

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

RICHARD O. ALDRICH
F. LESTER FRASER
WILLIAM O. HEWETT

KATHARINE E. TOY, CLERK
TELEPHONE
235-1664

Petition of Paul H. and Jo Anne O'Brien

The Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:05 p.m. on November 29, 1973, on the petition of Paul H. and Jo Anne O'Brien, requesting a special exception from the terms of Section XIX of the Zoning By-law which will allow them to construct an addition on the rear of their dwelling at #2 Marigold Avenue, with a side yard less than the required twenty feet.

On November 2, 1973, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Paul H. O'Brien spoke in support of the petition at the hearing.

Statement of Facts

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

The petitioners seek permission to construct an addition 13'8" x 24' x 26'6", on the rear of their dwelling which, if built, will provide a new living room and dining room on the upper level and a family room on the lower level. The present living room will then be converted into two bedrooms, and the house will then have three bedrooms. The existing house is very small, it was stated, having only one bedroom, a living room and a kitchen-dining room combination. The petitioners have two children and now have to use a sleep-sofa in the living room to accommodate the needs of the family. It was pointed out that the lot is long and narrow, with no space on either side to construct an addition. The existing house is only 13' from the lot line on the northerly side and 21'9" from the lot line on the southerly side. The proposed addition has been designed to continue the line of the house on the southerly side and to be set back 16'4" from the northerly boundary line, thus it will not encroach as near to the lot line as the existing house, on the northerly side. It was also stated that the proposed location of the addition appears to be the most practical way to add to the house due to the width of the lot.

A plot plan was submitted, drawn by Charles D. Thompson, Land Surveyor, dated October 24, 1973, which showed the existing house as well as the proposed addition.

Decision

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 grant a special exception from the application of the side yard restriction of the Zoning By-law.

The house was built prior to the enactment of the side yard requirement and was held of record on April 1, 1940, under a separate and distinct

ownership from adjacent lots. The lot is narrow, its width being only 60', with the dwelling being located 13' from the northerly side line and 21'9" from the southerly side line. It would not be possible, therefore, to construct an addition on either side without encroaching into the side yards. Compliance, therefore, in the opinion of this Board, with the side yard restrictions is impracticable because of the width and shape of the lot.

It is the feeling of this Board that there is a real need for the proposed two additional bedrooms which the addition will provide by rearrangement of the rooms in the existing house, and that said addition will not prove detrimental to the property involved or the surrounding neighborhood.

Accordingly, the requested exception is granted and the Inspector of Buildings is authorized to issue a permit for the proposed addition as shown on the plan submitted and on file with this Board.

Theodore C. Merlo
Theodore C. Merlo
F. Lester Fraser
F. Lester Fraser
William O. Hewett
William O. Hewett

Filed with Town Clerk _____

