



BOARD OF APPEAL

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KATHARINE E. TOY
 Administrative Secretary
 Telephone
 235-1664

Petition of Edward W. Martin

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 8:00 p.m. on May 6, 1976, on the petition of Edward W. Martin, requesting an exception or variance from the terms of Section XIX of the Zoning By-law. Said exception will allow the construction of an addition on the rear of the dwelling at 65 Sheridan Road with a side yard less than the required twenty feet. Said request was made under the provisions of Section XIX of the Zoning By-law and Chapter 40A, Section 15, of the General Laws.

On April 16, 1976, the petitioner requested 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.

Dana T. Lowell, builder for the petitioner, also spoke in support of the request.

Letters favoring the request were received from Raymond H. Robinson, 61 Sheridan Road and Samuel H. and Victoria J. Ligero, 69 Sheridan Road.

Statement of Facts

The house involved, which was built in 1939, adjoined other land of the same owner on April 1, 1940, therefore, the request has been made under the provisions of Chapter 40A, Section 15, of the General Laws. It is located within a Single-residence District, requiring a minimum lot area of 15,000 square feet.

The petitioner seeks permission to construct an addition 16' x 17' on the left rear corner of his dwelling to provide an additional bedroom. The petitioner explained that because of his contemplated marriage in the near future and the merging of two families in the house, an additional bedroom has become necessary. It was further explained that the proposed location appears to be the only feasible place for it. There is no possibility of constructing it on the third floor because of the house design and because the roof is very low, and it would be very costly to raise the roof. The existing house is 10.2' from the easterly side line, and the proposed addition which is designed to continue the line of the existing house, will be 11.3' from the lot line at the rear corner.

A plot plan was submitted, drawn by MacCarthy & Sullivan Engineering, Inc., Natick, Mass., dated February 26, 1976, which showed the existing dwelling and proposed addition on the lot.

Decision

The facts in this case do not 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 restrictions of the Zoning By-law. While the house was built prior to the enactment of the yard requirement of twenty feet, it adjoined other land of the same owner on April 1, 1940, therefore, has considered the request under the provisions of Chapter 40A, Section 15, of the General Laws.

In the opinion of this Board, there is a real need for the additional bedroom which the proposed addition will provide and due to the placement of the house on the lot and the room arrangement in the house, it is the feeling of the Board, that it would not be possible to construct an addition without encroaching into the required side yard. While the lot contains 14,360 square feet, it is irregular in shape with a frontage of only 74', which widens out to 135' in the rear. Therefore, it is the opinion of the Board, that due to the width and shape of the lot, a literal enforcement of Section XIX of the Zoning By-law would cause a substantial hardship to the petitioner which can be avoided without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of said section.

Accordingly, the requested variance is granted under the provisions of Chapter 40A, Section 15, of the General Laws, 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.

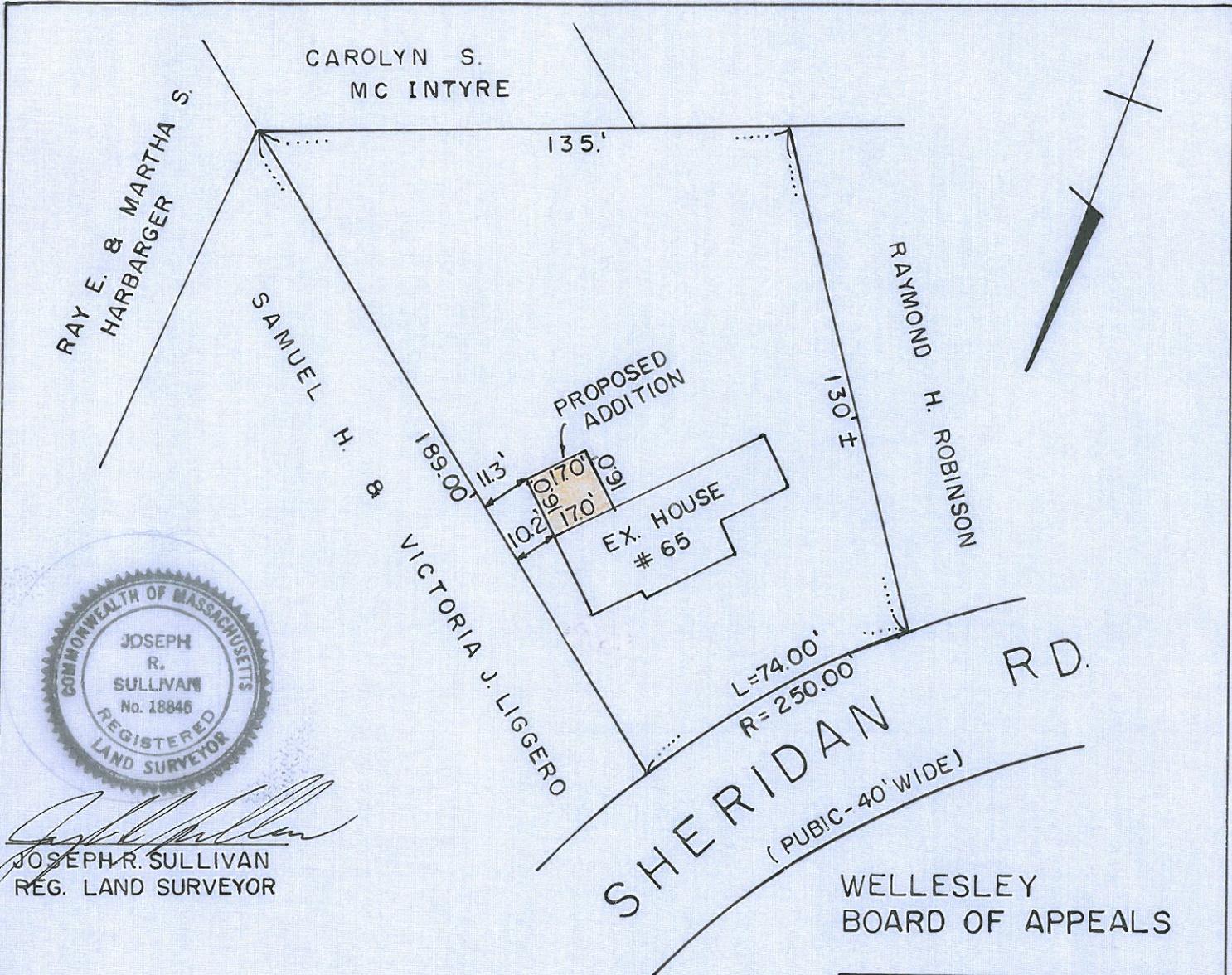
Francis L. Swift
Francis L. Swift

F. Lester Fraser
F. Lester Fraser

Stanley J. Glod
Stanley J. Glod

Filed with Town Clerk _____

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Joseph R. Sullivan
 JOSEPH R. SULLIVAN
 REG. LAND SURVEYOR

WELLESLEY
 BOARD OF APPEALS

 DATE _____

PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY: EDWARD W. MARTIN

SCALE: 1" = 40' FEB. 26, 1976

PLAN BY: MACCARTHY & SULLIVAN ENGINEERING INC.
 81 SPEEN ST., NATICK, MASS