



## BOARD OF APPEAL

F. LESTER FRASER  
 STANLEY J. GLOD  
 WILLIAM O. HEWETT  
 FRANKLIN P. PARKER  
 FRANCIS L. SWIFT  
 HENRY H. THAYER

KATHARINE E. TOY  
 Administrative Secretary  
 Telephone  
 235-1664

Petition of Miriam P. Torney

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 6, 1976, on the petition of Miriam P. Torney, requesting an exception from the terms of Section XIX of the Zoning By-law which will allow the construction of an addition on the side of the dwelling at 24 Howe Street 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.

On April 20, 1976, the petition 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 petition at the hearing.

Joel R. Bloom, 20 Howe Street and Heywood B. Macomber, Jr. 159 Weston Road, both spoke in favor of the request.

Statement of Facts

The house involved which is approximately seventy-five years old, is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The petitioner seeks permission to construct an addition on the side of her dwelling which, if allowed, will provide a family room approximately 13' x 24' and a sun deck 10'2 1/2" x 16'5" as well as space below the addition to accommodate two cars.

It was stated at the hearing that the proposed family room and deck would make the house much more comfortable; the present living room is small, roughly 10' x 12', which does not allow for the petitioner's furniture. It was further stated that the present one-car garage needs to be replaced as it is in very poor condition and leaks badly. Adequate space can be provided below the proposed addition for two cars due to the slope of the property on the northerly side. It was pointed out that while the proposed addition will be only 10.6' from the lot line on the westerly side, it will set back approximately five feet more than the existing garage which is to be removed.

In answer to the Board's request as to the number of persons occupying the house, the petitioner stated that there are three people living in the house, herself, her husband and one other person, and that it is being occupied as a one-family house. However, as of the latest Town list of residents, there is listed at the petitioner's residence two persons not of the same name as the petitioner.

A plot plan was submitted, drawn by MacCarthy & Sullivan Engineering, Inc., Natick, dated February 17, 1976, which showed the existing house on the lot as well as the proposed addition.

TOWN OF WELLESLEY  
 BOARD OF APPEAL  
 MAY 15 1976  
 H.H. THAYER  
 SECRETARY

Decision

It is the opinion of this Board that a real need exists for the proposed addition which will provide the needed space within the house as well as provide accommodation for two cars. The Board is aware that there is ample space on the easterly side of the house where the proposed addition could be built and comply with the Zoning By-law, however, due to the room arrangement within the house, it does not appear to be feasible.

The lot was held of record on April 1, 1940, under separate and distinct ownership from adjacent lots and due to the location of the house on the lot and the width of the lot, compliance with the side yard requirement of Section XIX of the Zoning By-law is impracticable. The facts, therefore, in this case, satisfy the conditions set forth in said Section on which the Board's authority depends to grant a special exception from the yard restriction.

Accordingly, the requested exception is granted and the Inspector of Buildings is authorized to issue a permit for the proposed addition in accordance with the plans submitted and on file with this Board, subject to the following conditions:

1. That not more than one family shall occupy the house at any time, unless a special permit is granted by the Board of Appeal.
2. That a building permit for the proposed work shall not be issued until the Building Inspector has made an inspection of the dwelling involved and has made a written report to this Board that the house is adapted for and is being used as a one-family dwelling only as it is presently constructed and will, in accordance with the plans submitted to this Board, continue to be used and occupied as a one-family dwelling.

RECEIVED  
 TOWN CLERK'S OFFICE  
 MEFTEEYAW22  
 JUN 24 5 55 PM '52

  
 Francis L. Swift  
  
 F. Lester Fraser  
  
 Stanley J. Glod

Filed with Town Clerk \_\_\_\_\_

MARY C. Mc GLONE

HUGH G. & VALARIE M. KINGSLEY

77.64'

38.12'

LOT B-2  
12,000<sup>±</sup>

JOEL R. & SUSAN I. BLOOM

154.34'

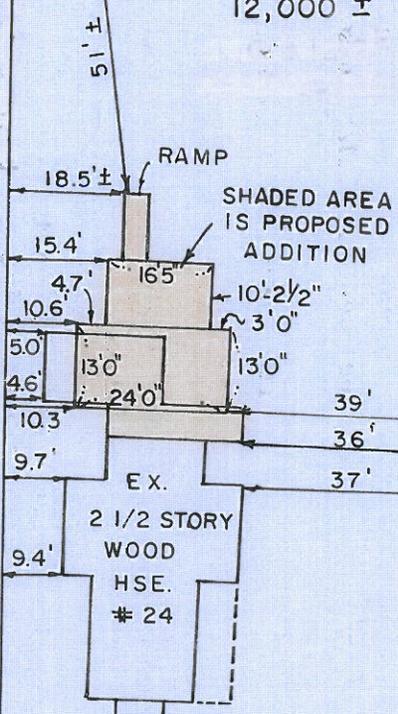
JOAN GARDNER

167.86'

32.16'

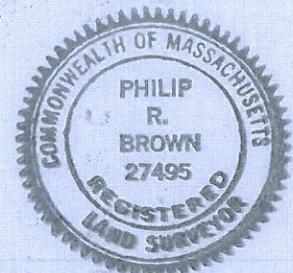
72.50'

HOWE ST.



WELLESLEY BOARD OF APPEALS

DATE: \_\_\_\_\_



*Philip R. Brown*  
 PHILIP R. BROWN  
 REGISTERED LAND SURVEYOR

PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY :

MIRIAM P. TORNEY

SCALE: 1" = 30'

FEB 17, 1976

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

5838 ✓