



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 Elliot V. and Jane T. Miller

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 8:10 p.m. on August 5, 1976, on the petition of Elliot V. and Jane T. Miller, requesting an exception from the terms of Section XIX of the Zoning By-law which will allow the construction of a dormer window addition on the rear of the dwelling at 22 Aberdeen Road with a side yard less than the required twenty feet.

On July 22, 1976, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Elliot V. Miller spoke in support of the petition at the hearing.

Statement of Facts

The house involved was built in 1928, prior to the enactment of Section XIX 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 a dormer window across the rear of the dwelling in order to gain an additional bedroom and study which are greatly needed at this time. The present house is small with limited bedroom space, and it is felt, that the proposed dormer will not only provide additional space, but also will greatly improve the house.

The dwelling is two and one-half stories, located ten feet from the lot line on the northerly side and thirty-three feet from the lot line on the southerly side.

A plot plan was submitted, drawn by Philip R. Brown, Registered Land Surveyor, dated May 28, 1976, which showed the existing house on the lot and indicating the location of the proposed dormer window.

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 restrictions of the Zoning By-law. The house was built prior to the enactment of the side yard requirement of twenty feet and was held of record on April 1, 1940, under a separate and distinct ownership from adjacent lots. While the lot is rectangular in shape, 78.25' x 100.00', it is relatively narrow, and the house is so situated on the lot, that it would not be possible to expand the attic to a size which would be practical without violating the yard restrictions. Compliance, therefore, with the side yard requirements is impracticable because of the width and shape of the lot.

The Board feels that as there will be no increase in the encroachment in the side yard on the ground level and that the proposed construction consists only of raising the roof and extending the side walls of the dwelling, it will not prove detrimental to surrounding properties nor derogate from the intent and purpose of the by-law.

It is, therefore, the unanimous opinion of this Board that the requested exception may be granted for the proposed construction which consists of constructing a dormer window across the rear of the dwelling as shown on the plan submitted and on file with this Board, and the Building Inspector is hereby authorized to issue a permit for such construction.

Henry H. Thayer

Henry H. Thayer

F. Lester Fraser

F. Lester Fraser

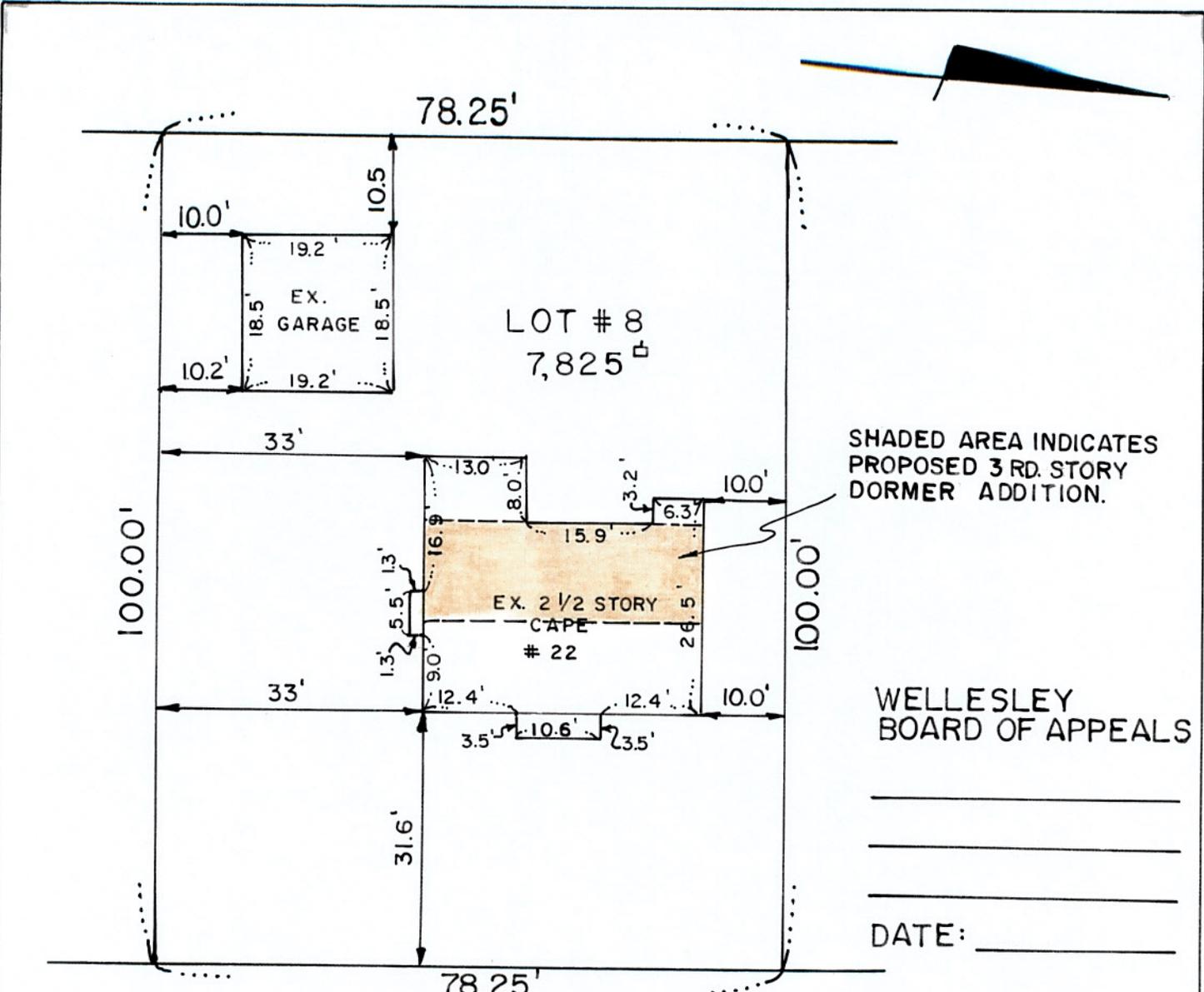
William O. Hewett

William O. Hewett

Filed with Town Clerk _____

DEC 14 10 21 AM '38

RECEIVED
TOWN CLERK'S OFFICE



WELLESLEY
BOARD OF APPEALS

DATE: _____

ABERDEEN ROAD



Philip R. Brown
PHILIP R. BROWN
REG. LAND SURVEYOR

PLAN OF LAND IN WELLESLEY, MASS.
OWNED BY: ELLIOT V. & JANE T. MILLER

SCALE: 1" = 20'

MAY 28, 1976

PLAN BY: MCCARTHY & SULLIVAN ENGINEERING, INC.