



BOARD OF APPEAL

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

KATHARINE E. TOY
Administrative Secretary
Telephone
235-1664

Petition of Carol M. and Charles W. Turner, Jr.

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 September 30, 1976, on the appeal of Carol M. and Charles W. Turner, Jr., from the order of the Inspector of Buildings, directing them to stop all work on the addition being constructed without a permit on their dwelling at 13 Hilltop Road, in violation of Section XIX of the Zoning By-law. Said appeal was made under the provisions of Section XXIV-B of the Zoning By-law.

On June 28, 1976, the Inspector of Buildings notified the appellants in writing that a permit could not be issued for the work under construction as it did not comply with the side yard requirement.

On September 13, 1976, the appellants took an appeal from such refusal and thereafter due notice of the hearing was given by mailing and publication.

Charles W. Turner, Jr., spoke in support of the appeal at the hearing.

Statement of Facts

The property involved is located within a Single Residence District requiring a minimum lot area of 10,000 square feet. The house involved was built in 1923, prior to the twenty-foot side yard requirement and the area requirement, on a lot containing 6,277 square feet.

At the hearing Mr. Turner stated that as a result of termites and moisture, the sill on the rear of his house had been destroyed as well as the studs and rough boards. He started out to repair the damaged parts, and as he continued upward, he found that part of the roof had also been damaged. As much of the work was in the nature of repair, he was unaware that a permit would be required. In the end he found it necessary to tear out the foundation and rebuild part of the rear wall and roof of the house. It was not until April 28, 1976, when the Inspector of Buildings wrote his first letter to him that he realized that a permit was required to perform the work under construction. He explained that most of the work had been completed, but he stopped work when he received the stop-work order from the Inspector of Buildings on June 28, 1976. He further explained that the work performed did not extend any closer to the side lot line than the existing house which is 9.80', and he urged the Board to allow him to complete the small remaining unfinished portion of the work, other-wise, he feels that undue hardship will result both to him and the property.

A plot plan was submitted, drawn by Alfred Gargaro, Land Surveyor, dated July 20, 1976, which showed the existing dwelling on the lot, with indication of the portion being rebuilt.

Decision

It is the unanimous opinion of this Board after viewing the premises

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that the requested exception should be granted. The Board feels that the violation of working without a permit was through a misunderstanding and that unless relief is granted by this Board, which will allow the roof and side walls to be 9.60' from the side line rather than the required twenty feet, substantial hardship will result. It is the further belief of this Board that compliance with the requirements of Section XIX of the Zoning By-law is impracticable because of the width and shape of the lot, which was held under a separate and distinct ownership from adjacent lots on April 1, 1940.

Accordingly, the requested exception is granted and the issuance of a permit for the completion of the work as outlined and shown on the plan submitted and on file with this Board is hereby authorized.

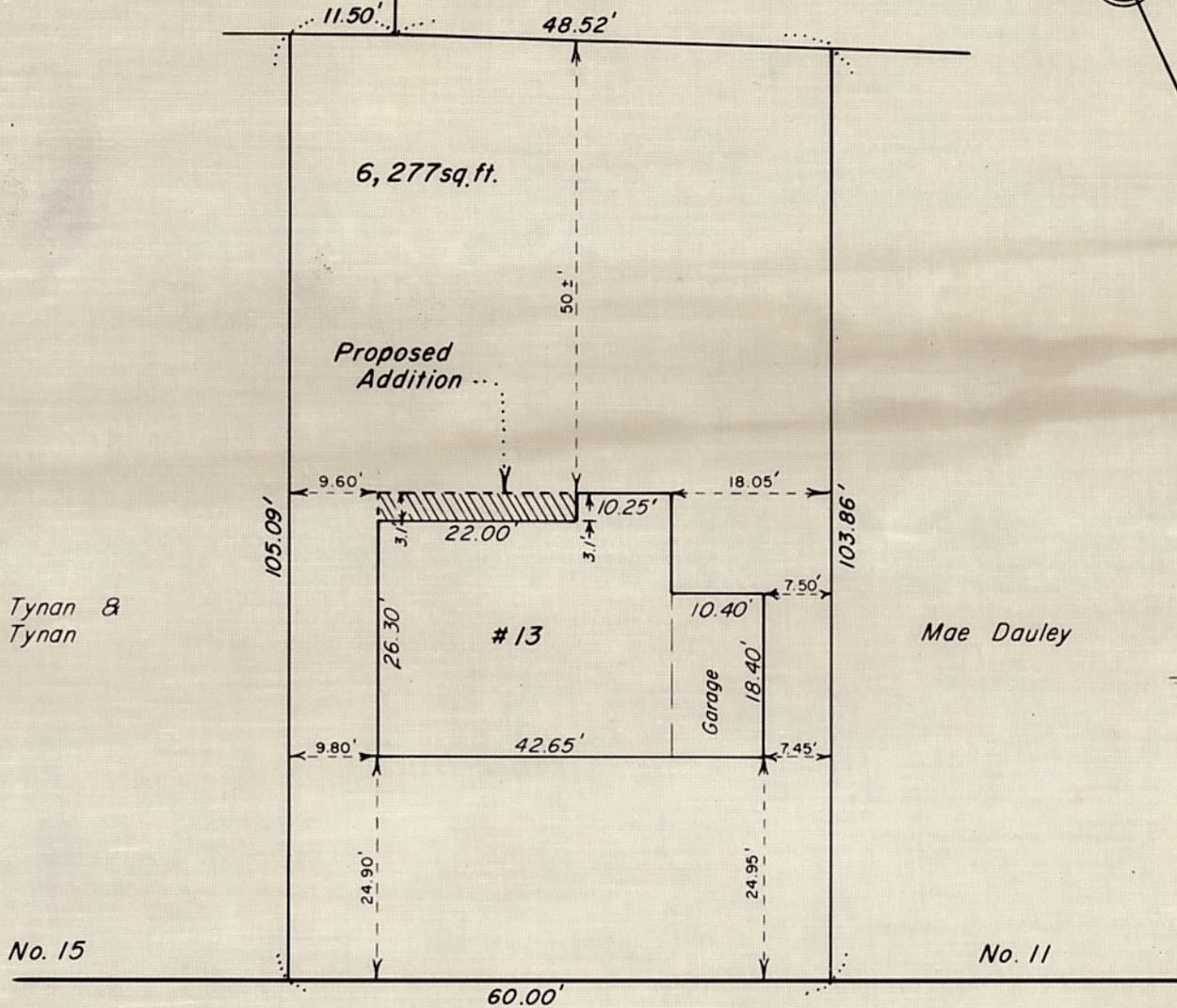
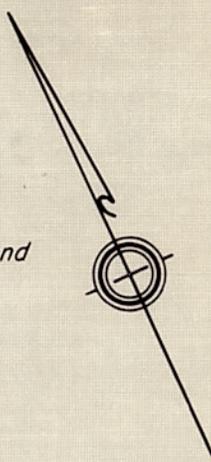
Filed with Town Clerk _____

Francis J. Swift
William D. Jewett
Franklin Parker

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No. 12 Donazette St.
Sarah G. Hodges

No. 8-10 Donazette St.
Soterios Diamond & Lee Peter Diamond
Helen Diamondopolous Diamond



James J. Tynan &
Joan M. Tynan

Mae Dauley

HILL TOP ROAD

PLAN OF LAND
in
WELLESLEY, MASSACHUSETTS
at
No. 13 HILL TOP ROAD

owned by
Charles W. Turner Jr.

July 20, 1976
Alfred Gargaro

Proposed
House Addition
Scale: 1" = 20'
Land Surveyor

