



BOARD OF APPEAL

F. LESTER FRASER
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FRANKLIN P. PARKER
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HENRY H. THAYER

William E. Polletta

KATHARINE E. TOY
Administrative Secretary

Telephone
235-1664

Petition of Elizabeth St. John Fennel

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 November 23, 1976, on the petition of Elizabeth St. John Fennel, 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 59 Leighton Road, with a side yard less than the required twenty feet.

On November 1, 1976, the petitioner filed her request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Henry D. White, attorney, represented Lee N. and John B. Nathanson, 55 Leighton Road, abutting property owners on the northerly side. Mr. White explained that the Nathansons feel that the proposed addition, if built, will prove detrimental to their property. Both houses, he stated were built prior to the present twenty-foot setback requirement and both are considerably closer to the lot line than the present requirement. To allow a two-story addition to be constructed only nine feet from the property line, with two windows overlooking his client's property, he stated, would not only be unpleasant, but would seriously affect the Nathansons' property.

The Planning Board opposed the granting of the request on the basis that it represents a further encroachment on the inadequate side yard.

Marjorie Pierce, Architect, spoke in favor of the request.

Statement of Facts

The house involved is located within a Single-residence District, on a lot containing 7,150 square feet. It was built in 1934, prior to the enactment of the by-law requiring a twenty-foot side yard and is located approximately nine feet from the northerly lot line and approximately ten feet from the southerly lot line.

The petitioners seek permission to convert the existing attached garage into a bedroom and to extend it in a westerly direction approximately ten feet, with a second story above. It was stated by the petitioners that Mrs. Fennel's mother is coming to live with her and the proposed addition will provide a bedroom and bath as well as an attendant's room on the first floor and a bedroom on the second floor. Mrs. Fennel explained that it would be necessary for her mother to be located on the first floor and for this reason, it was necessary to draw the plan as submitted. A sundeck is also to be constructed across the rear of the house which will be 15' from the southerly lot line if built, as designed.

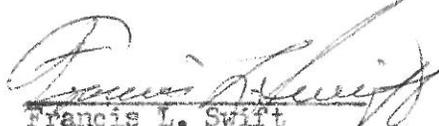
Decision

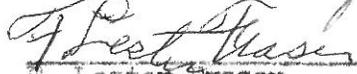
It is the opinion of this Board after a careful study of the plans submitted and a view of the locus, that to allow the proposed addition to be

built only nine feet from the side lot line, would prove detrimental to the property involved as well as to the adjacent property owners. The Board is sympathetic with the petitioner's need to expand the house in order to provide living space for her mother, however, in its opinion, the proposal is too great an encroachment into an already over-crowded lot. It appears to the Board that the existing garage could be converted into a bedroom of adequate size and a small addition on the rear of the house could provide the first-floor bathroom needed. The proposal as submitted, in the opinion of this Board, would be contrary to the intent and purpose of the Zoning By-law.

Therefore, it is the opinion of this Board that 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 vary the requirements of the side yard restrictions of the Zoning By-law.

Accordingly, the requested exception is denied and the case dismissed.

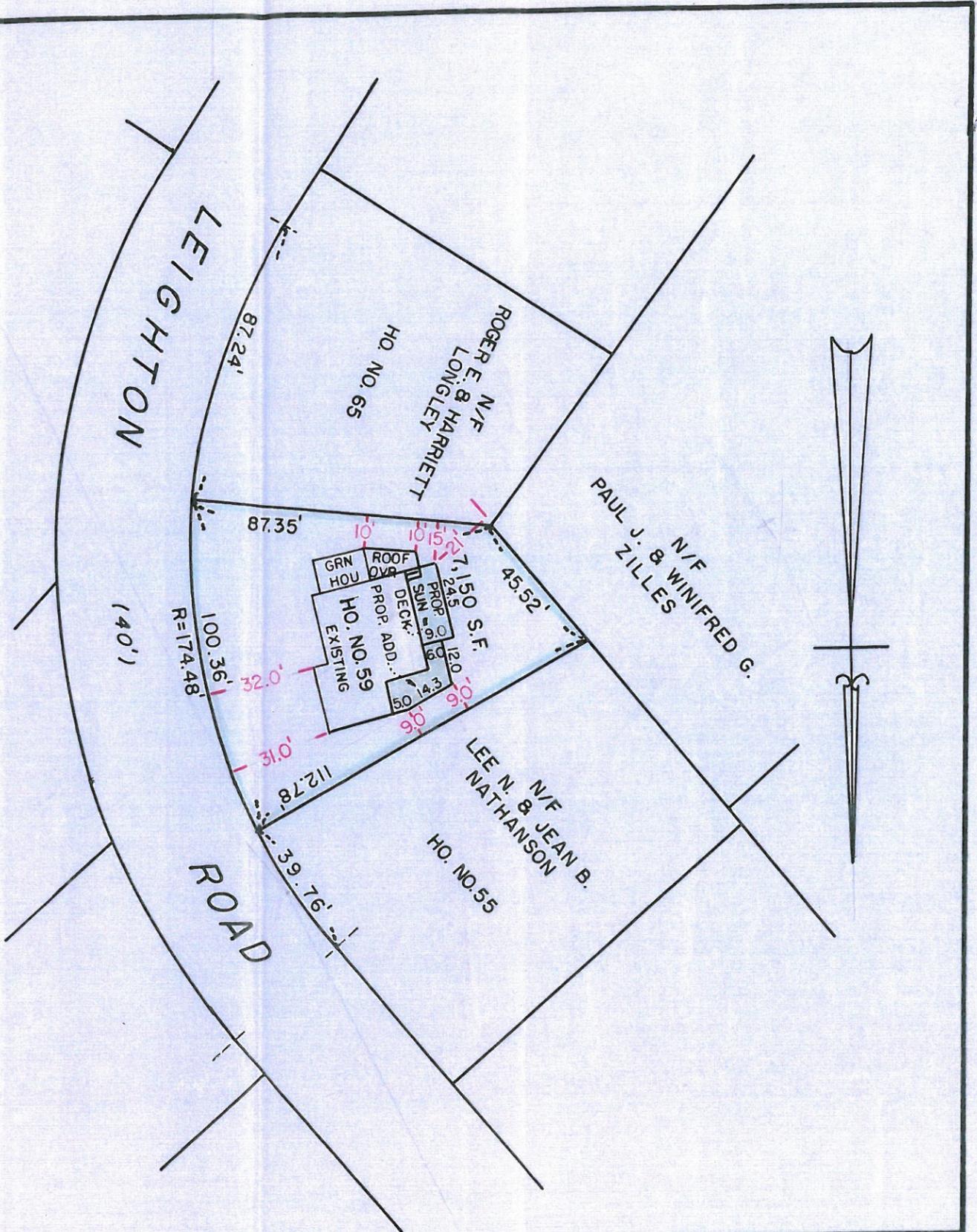

Francis L. Swift


F. Lester Fraser


William E. Polletta

Filed with Town Clerk _____

REC'D
FEB 19 1 33 PM '11



APPROVAL UNDER THE SUB-DIVISION CONTROL LAW NOT REQUIRED.

WELLESLEY PLANNING BOARD



Alexander Cruciolli
ALEXANDER CRUCIOLI

PLAN OF LAND
IN

WELLESLEY - MASS.

SCALE: 1" = 40' JULY 17, 1976

SURVEYOR

ACRES - ENGINEERS - SURVEYORS, INC.
6 ABBOTT ROAD
WELLESLEY HILLS, MASS.

