



## ZONING BOARD OF APPEALS

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WILLIAM E. POLLETTA  
FRANCIS L. SWIFT  
HENRY H. THAYER

KATHARINE E. TOY  
Administrative Secretary  
Telephone  
235-1664

Petition of Thomas M. Brennan

Pursuant to due notice the Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:05 p.m. on May 19, 1977, on the petition of Thomas M. Brennan and Lucille L. Brennan, requesting a variance 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 15 Montvale Road, with a side yard less than the required twenty feet. Said request was made under the provisions of Section XXIV-D of the Zoning By-law.

On May 2, 1977, the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Thomas M. Brennan, spoke in support of the request 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 1965 on a lot containing 12,960 square feet.

The petitioner seeks a variance which will allow him to construct a bedroom above the existing den on the northwesterly side of the house. He explained that he has three children and needs an additional bedroom and bath for his growing family. After considering several alternatives, he stated, the proposed plan appears to be the most feasible and practical due to the room layout in the house and the costs involved.

A plot plan was submitted, drawn by Charles D. Thompson, Land Surveyor, dated March 25, 1977, which showed the house located on the lot as well as the distance of the house from Montvale Road and from the side lot line. It showed the house to be 35' from the street line and the proposed second floor overhang to be 17' 6" from the side lot line, rather than the required twenty feet.

Decision

The Board has made a careful study of all the evidence submitted and has taken a view of the locus.

The addition which consists of filling in the open space above the first-floor den and extending an overhang slightly in the rear of the den to the rear line of the house, in the opinion of this Authority, will not prove detrimental to the area and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning By-law.

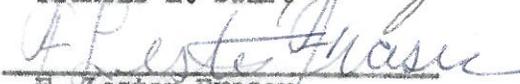
It is also the opinion of this Authority that a real need exists for the proposed bedroom and bathroom which the addition will provide and that due to the shape of the lot, a literal enforcement of Section XIX of the Zoning By-law would involve substantial hardship to the petitioner.

While the lot involved has a frontage of 100', it narrows down to 80' in the rear which results in the second-floor overhang being 2½' closer to the side lot line than the set-back required of twenty feet.

Therefore, it is the unanimous opinion of this Authority that owing to circumstances relating to the shape of the lot involved, a literal enforcement of the provisions of Section XIX of the Zoning By-law would involve substantial hardship to the petitioner.

Accordingly, the requested variance is granted and the Inspector of Buildings is authorized to issue a permit for the proposed addition as shown on the plans submitted and on file with this Authority.

  
 Francis L. Swift

  
 F. Lester Fraser

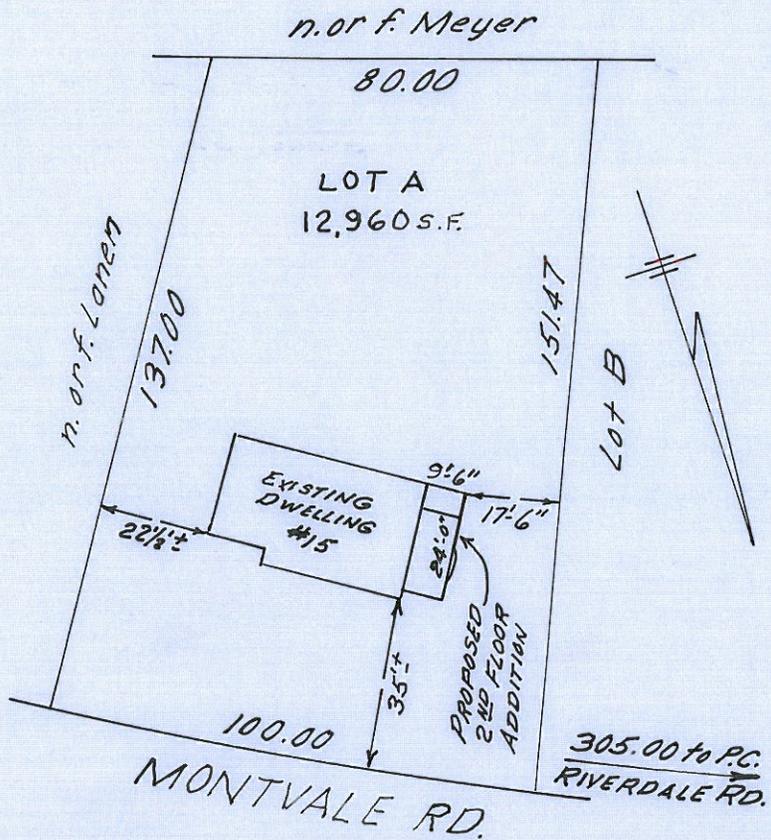
  
 William O. Hewett

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

Copies of the decision and all plans referred to in the decision have been filed with the Town Clerk and the Planning Board.

AUG 5 11 TO AM '55

MEETING ROOMS  
 TOWN CLERK'S OFFICE  
 RECEIVED



PLOT PLAN OF LAND  
IN

WELLESLEY 0 MASS.

SCALE: 1 IN. = 40 FT.

MARCH 25, 1977

EVERETT M. BROOKS CO.  
NEWTONVILLE

CIVIL ENGR'S.  
MASS.



Charles D. Thompson