



ZONING BOARD OF APPEALS

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

KATHARINE E. TOY
Administrative Secretary
Telephone
235-1664

Petition of Michael J. and Bette Rea Allen

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 8:45 p.m. on May 19, 1977, on the petition of Michael J. and Bette Rea Allen, requesting a variance from the terms of Section XIX of the Zoning By-law which will allow the construction of a porch on the westerly side of their dwelling at 2 Redwing 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 April 26, 1977, the petitioners filed their request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

The petitioners spoke in support of the request at the hearing.

Statement of Facts

The house involved is located within a Single Residence District, requiring a minimum lot area of 10,000 square feet. It was built in 1954, on a lot containing 11,968 square feet, and is located at the corner of Redwing Road and Cedar Street.

The petitioners seek permission or variance, to construct a porch 10' x 15' on the westerly side of their house, which if built, will lie twelve feet from the side lot line rather than the required twenty feet. It was stated that the petitioners now have a small porch which is badly in need of repair. They desire to replace it with the proposed porch which will be slightly larger and more functional. Due to the interior of the house layout, the proposed location of the porch appears to be the most feasible to provide the additional dining area which is needed as well as to utilize the existing access to the dwelling.

It was further stated that consideration had been given to placing the porch on the rear of the house, but due to the gradual drop of approximately fifteen feet, toward Rosemary Brook, it did not appear to be economically feasible or practical. In the opinion of the petitioners, the proposed addition will not only be beneficial, but will be an improvement to the property. A plot plan was submitted, drawn by John J. Regan, dated 4/7/77, which showed the location of the dwelling on the lot as well as the porch.

707 9 11 SA Decision

It is the opinion of this Board after careful study of the plans submitted and a view of the locus, that to allow the proposed addition to be built only twelve feet from the side lot line, would prove detrimental to the public good and would substantially derogate from the intent or purpose of the Zoning By-law.

It is the opinion of this Board that while there is a drop in the typography of the lot involved, it is not sufficient to make a finding that due to the shape of the lot, typography of the land or soil conditions, a literal enforcement of the side yard restriction of the Zoning By-law would involve substantial hardship to the petitioner, a criteria the Board must find before granting a variance as requested.

From the observation of this Board, a porch can be constructed at the rear of the house which would conform to the Zoning By-law, without involving a great deal more expense, and that the proposal as submitted 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 XXIV 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 variance is denied and the case dismissed.

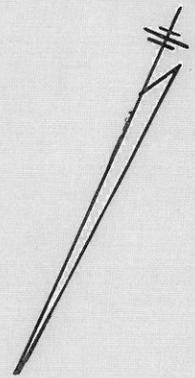

Francis L. Swift

F. Lester Fraser

William O. Hewett

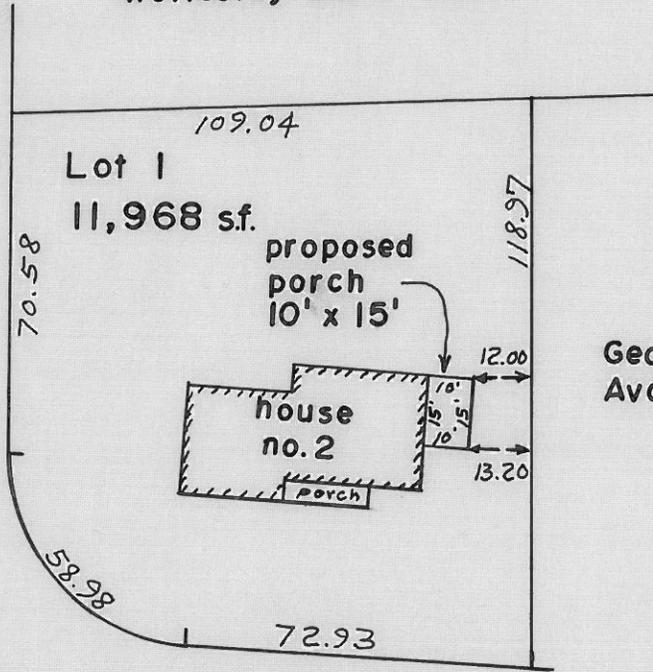
Filed with Town Clerk _____

JUL 11 1953
TOWN CLERK'S OFFICE
RECEIVED



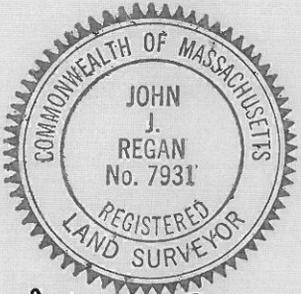
Wellesley Water Works

CEDAR STREET



George R. &
Ava W. Bond

REDWING ROAD



John J. Regan

PLAN OF LAND
IN
WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF
MICHAEL J. & BETTE REA ALLEN
2 REDWING ROAD
WELLESLEY

SCALE 1 IN = 40 FT
APEX ASSOCIATES
NEWTON HIGHLANDS

APRIL 7, 1977
LAND SURVEYORS
MASS.

*6/10/77
LSEPA*