



ZONING BOARD OF APPEALS

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

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Administrative Secretary
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Petition of Harley N. and Rosalind J. Goldberg

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 8:30 p.m. on May 19, 1977, on the petition of Harley N. and Rosalind J. Goldberg, 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 No. 4 Ashmont Road with a front and side yard less than the required thirty feet. Said request was made under the provisions of Section XXIV-D of the Zoning By-law.

On May 2, 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.

Rosalind J. Goldberg spoke in support of the request at the hearing.

Five letters were submitted favoring the request from neighboring property owners.

Statement of Facts

The property involved is located within a Single Residence District requiring a minimum lot area of 15,000 square feet. The house involved was built in 1955, on a lot containing 15,029 square feet.

The petitioners seek permission to construct an addition 12' x 24'5", two stories in height, on the easterly side of their dwelling which, if built, will provide a single-car garage with a bedroom above. It was explained that the petitioners need a family room and an additional bedroom for their growing family. It is proposed to convert the existing garage into a family room and the second floor addition will provide a bedroom as well as an additional bath.

It was pointed out that while the proposed addition will set back only 25'7" from McLean Street, rather than the required thirty feet, it will be approximately three feet back from the front line of the house, due to the angle at which the house was placed on the lot.

It was further pointed out that due to the shape of the lot and the greater restrictions imposed upon a corner lot, it would not be possible to construct an addition of practical size and comply with the requirements of the Zoning By-law. All the houses in the area, it was stated, were built on filled land and there are placed on the lot involved which are now showing signs of sinking, however, the location of the proposed addition is solid and level. For these reasons, together with the fact that several trees would have to be removed if the addition were to be moved back to comply with the setback restriction, the petitioners felt that the request should be granted.

A plot plan was submitted, drawn by John J. Regan, Land Surveyor, Newton Highlands, dated March 22, 1977, which showed the location of the house on the lot as well as the proposed addition.

Decision

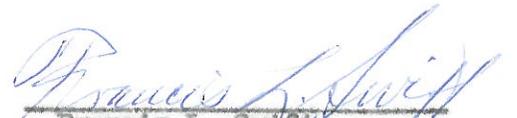
The Board has made a careful study of the evidence submitted and has taken a view of the locus.

In its opinion there is a real need for the extra space which the proposed addition will provide and the proposed location appears to be the most practical and feasible placed for it to be constructed.

While the lot contains 15,029 square feet, it is a corner lot upon which greater restrictions are imposed than would be otherwise. Due to the shape of the lot and the remaining space available to construct an addition, it appears there is a limited amount of solid, level land upon which to build.

Therefore, it is the unanimous opinion of this Board that owing to circumstances relating to the shape, soil and topography of the land involved, a literal enforcement of the provisions of Section XIX of the Zoning By-law would involve substantial hardship to the petitioners. It is the further opinion of this Board that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law.

Accordingly, the requested variance is granted and the Building Inspector is authorized to issue a permit for the proposed addition as shown on the plan submitted and on file with this Board.


Francis L. Swift

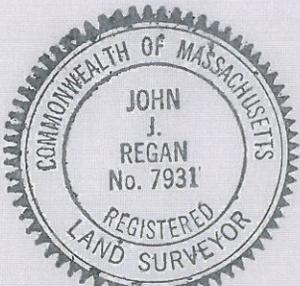
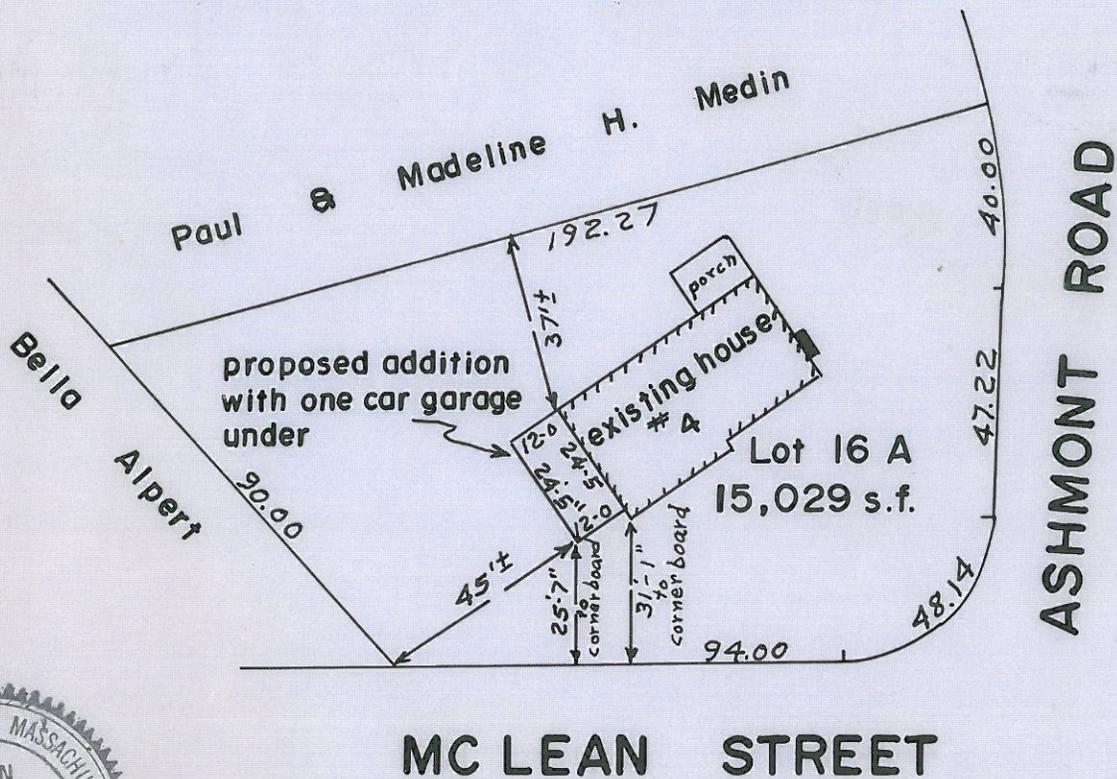
F. Lester Fraser

William O. Hewett

Filed with Town Clerk _____

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

77 9 11 50 AM JJ
METTETEAHVS
TOWN CLERK'S OFFICE
RECEIVED



John J. Regan

**PLAN OF LAND
IN
WELLESLEY MASS.**

TO ACCOMPANY THE PETITION OF
HARLEY N. & ROSALIND J. GOLDBERG
 4 ASHMONT ROAD
 WELLESLEY

SCALE 1 IN = 40 FT
 APEX ASSOCIATES
 NEWTON HIGHLANDS

MARCH 22, 1977
 LAND SURVEYORS
 MASS.