



BOARD OF APPEAL

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 FRANKLIN P. PARKER
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 HENRY H. THAYER
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KATHARINE E. TOY
 Administrative Secretary
 Telephone
 235-1664

Petition of John P. Fleming

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 July 7, 1977, on the petition of John P. Fleming, requesting a variance from the terms of Section XIX of the Zoning By-law which will allow the construction of an addition on the rear of the dwelling at 31 Pine Plain 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 June 23, 1977, the petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Joseph T. Fleming, Jr., attorney, represented the petitioner 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 1933, on a lot containing 10,490 square feet.

The petitioner seeks a variance to construct an addition 24.2' x 14.6' on the rear of his dwelling. The addition, if built, will continue the existing line of the house and will be 9.7' from the lot line on the easterly side rather than the required twenty feet. It was stated that the petitioner desires to enlarge the present kitchen and remove the existing porch and build a den. More living space is needed for the petitioner's growing family, it was stated, and the proposed plan appears to be the most feasible way to provide the additional space needed.

It was further stated that due to the shape of the lot, there is no other way to put on an addition and comply with the Zoning By-law. The lot is narrow, with a width of only sixty feet and a depth of approximately 170'. Substantial hardship will result, it is felt, if the requested variance is not granted.

Decision

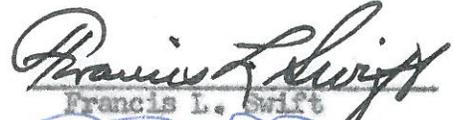
It is the opinion of this Board after careful study of the plans submitted and a view of the locus, that there is a real need for the additional space which the proposed addition will provide and the proposed location appears to be the most practical and feasible place for it to be constructed.

The lot is very narrow and the house was built on the lot, prior to the enactment of the twenty-foot side yard requirement, only 9.7' from the lot line. The proposed addition will continue the line and will not encroach any closer to the lot line than the existing house.

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 JOHN RECEIVED

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


Franklin P. Parker

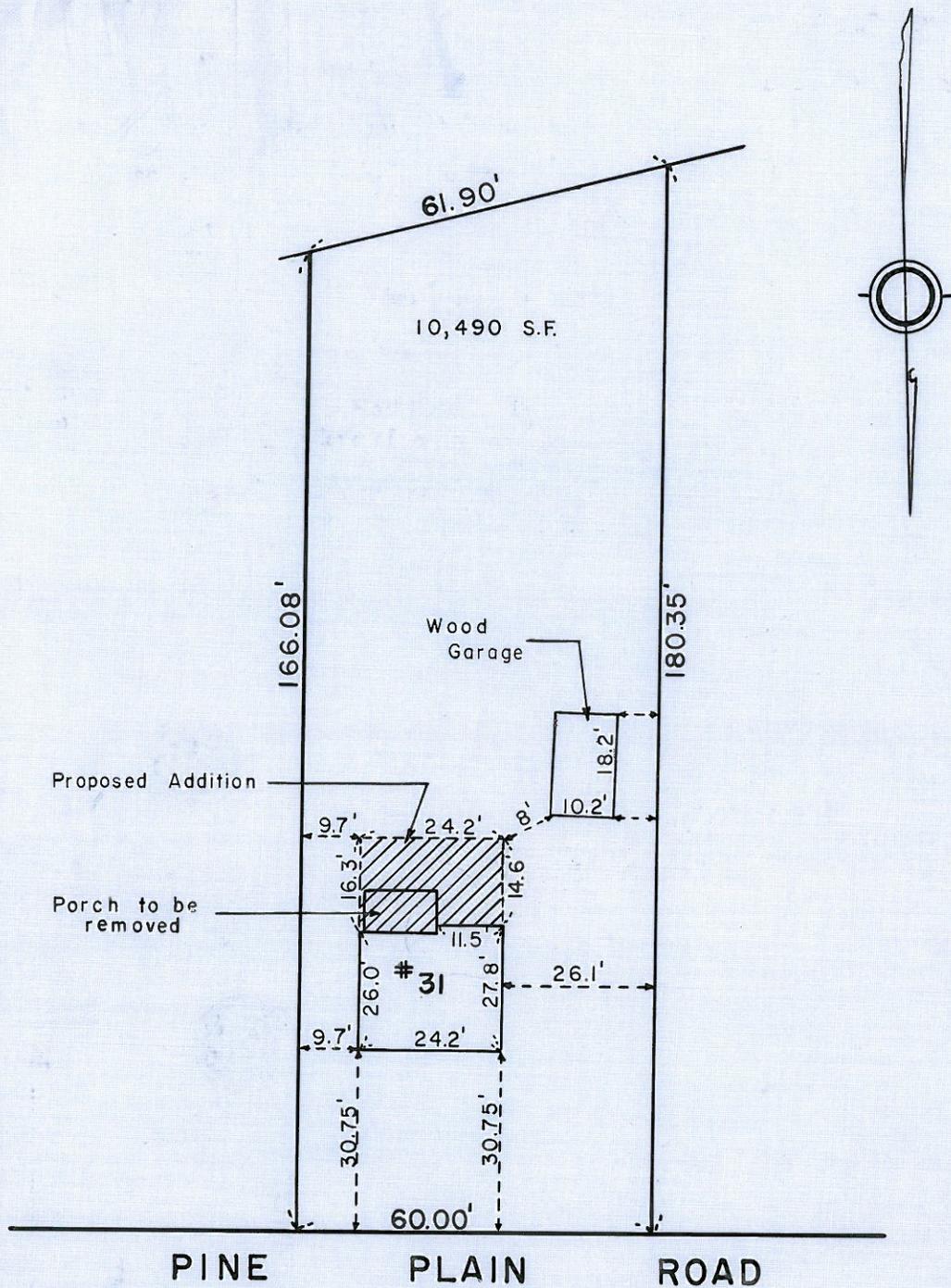

William E. Polletta

Filed with Town Clerk _____

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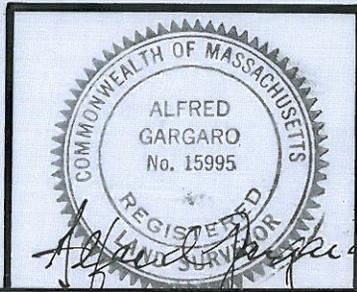
Copies of the decision and all plans referred to in the decision have been filed with the Planning Board and with the Town Clerk.



PLAN of LAND
 in
WELLESLEY, MASSACHUSETTS
 of
No. 31 PINE PLAIN ROAD
 owned by
John P. & Arlene K. Fleming
Proposed House Addition

May 26, 1977

Alfred Gargaro



Scale: 1" = 30'

Land Surveyor