58-24

TOWN OF WELLESLEY MASSACHUSETTS

SHERMAN J. L. BROWN
JOHN L. HAYDEN
GARRETT S. HOAG

BOARD OF APPEAL

KATHARINE E. TOY, CLERK
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WELLESLEY, MASS.

Petition of Joseph E. and Virginia L. Murray

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the first floor of the Intermediate Building at 324 Washington Street at 8:05 p.m. on May 1, 1958 upon the petition of Virginia L. and Joseph E. Murray for a variance from the terms of Section 9-C of the Zoning By-law which would permit an addition to be constructed on the rear of the dwelling at 104 Fairbanks Avenue with a side yard less than the required twenty feet.

Statement of Facts

On April 17, 1958, a written petition was filed with this Board requesting a hearing and thereafter due notice of the hearing was given by mailing and publication.

The petitioners were represented at the hearing by Joseph E. Murray who stated that he and his wife desire to construct a one-story addition 12.5' x 30' at the rear of their dwelling. The addition, if built, will extend the northerly side of their house a depth of 12.5' and will be indented 4½" from the edge of the house. It will provide an additional bedroom which is urgently needed at this time due to an increase in the owner's family, as well as provide an extension to the kitchen. A plot plan drawn by Gleason Engineering Company, dated April 15, 1958, was submitted which showed the existing house as well as the proposed addition. Said plan showed the house to be located 50.5' from the street line, 13.7' from the southerly side lot line and 11.6' from the northerly side lot line, the side which is involved. Dr. Murray stated that he has occupied the house for approximately four years and desires to remain there providing the Board will allow the variance which will permit him to have the additional space he needs. The proposed location of the addition is the most practical because of the layout of the house. To construct the bedroom on the southerly side of the house would give the kitchen a northerly exposure which would be undesirable.

No objections were rasied at the hearing to the granting of the requested variance.

The Planning Board offered no objection in its report.

Conclusion

After careful study of the plans submitted and the facts presented, it is the unanimous opinion of this Board that a real need exists for the proposed addition and the desired location is the most suitable. No further encroachment will result upon the existing side yard area as the addition will set back at least 4½" from the edge of the house. It appears from the plan of the neighborhood that it has been generally developed by the construction of houses with side yards less than the required twenty feet and many of them less than the side yard which will result from the variance requested by the petitioners.

In the opinion of the Board, the proposed addition will not prove detrimental to the appearance of the house or to the neighborhood as it will be a one-story addition in the rear of the dwelling and will not be visible from the street.

The house was built in 1932 prior to the enactment of the Zoning By-law requiring a twenty-foot side yard and was held of record on April 1, 1940 under a separate and distinct ownership from other adjacent lots. Although the lot contains 14,684 square feet, it is a narrow, deep lot with a frontage of only 90' and a depth of 161.43'. It is the finding of the Board, therefore, that compliance with the requirements of Section 9-C of the Zoning By-law would be impracticable because of the width, depth and shape of the lot.

The Board, therefore, finds that sufficient reasons exist for granting the requested variance without substantial detriment to the public good and without substantially derogating from the intent and purpose of Section 9-C of the Zoning By-law.

Accordingly, the requested variance is authorizedand granted and the Inspector of Buildings is hereby directed to issue a permit for the proposed addition in accordance with the plans submitted and on file.

Sherman J. L. Brown

Garrett S. Hoag

Burtis S. Brown

Filed with Town Clerk _____

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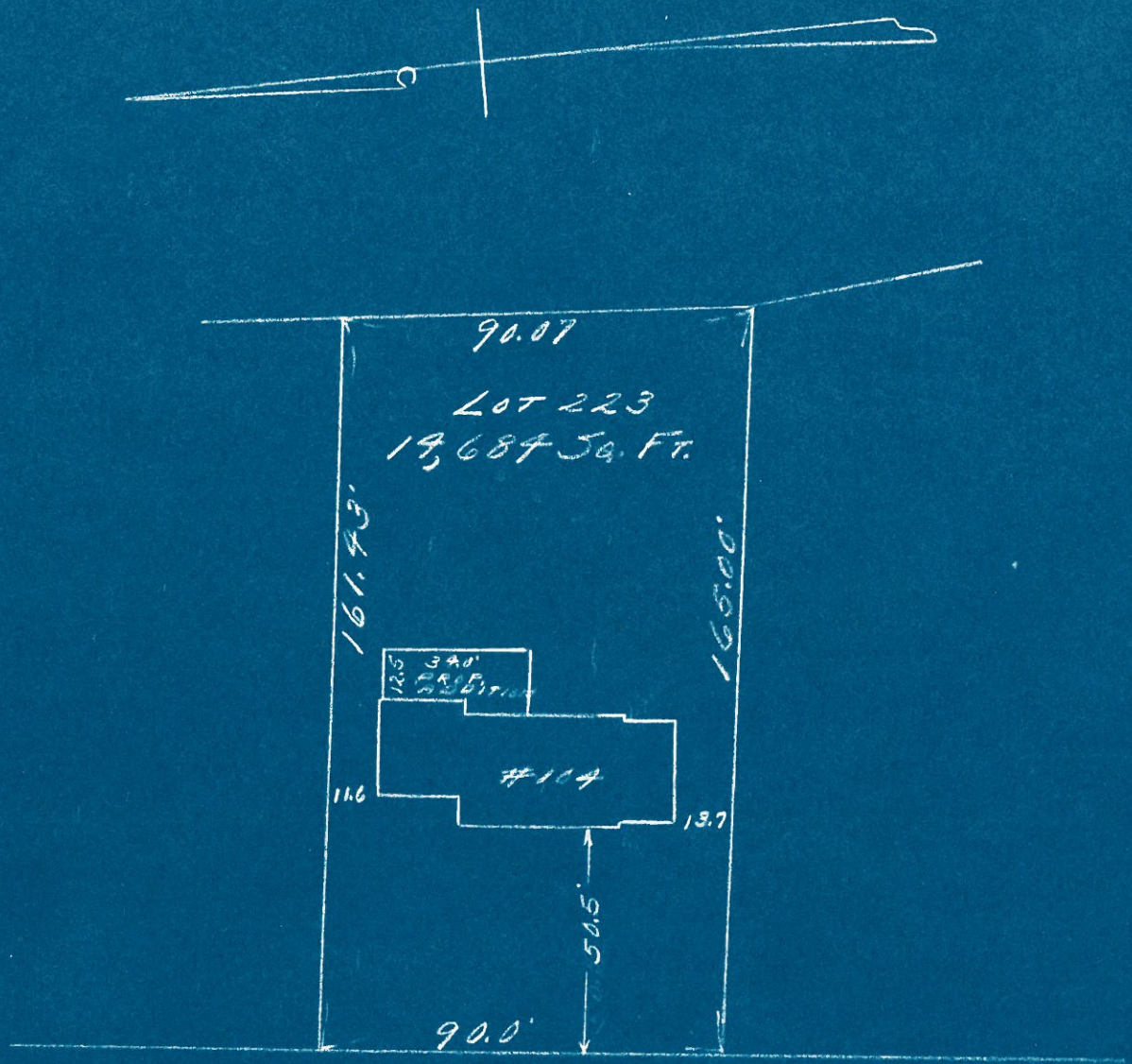

PLAN OF LAND
IN
WELLESLEY, MASS.
OWNED BY
VIRGINIA L. MURRAY
SCALE 1"=40' APRIL 15, 1958
GLEASON ENGINEERING COMPANY