

64-34

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

GARRETT S. HOAG
JOHN L. HAYDEN
DANA T. LOWELL

KATHARINE E. TOY, CLERK
TELEPHONE
CE. 5-1664

Appeal of Florence B. Scheufele

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:10 p.m. on September 17, 1964, on the appeal of Florence B. Scheufele from the refusal of the Inspector of Buildings to issue a permit to her to construct an addition on the rear of her dwelling at 16 Rice Street. The reason for such refusal was that said addition would violate Chapter IV, Section 1, of the Building Code which requires that an addition of this type shall be placed at least twenty feet from a Type V building on the property and at least ten feet from any party line. The proposed addition would further violate Section XIX of the Zoning By-law which requires that there shall be provided on each side of every dwelling a side yard not less than twenty feet in width and that no building or lot shall be so altered as to reduce the size of the then existing yard unless the resulting yard complies with the requirements of said section.

The appellant spoke in support of her appeal at the hearing.

On August 26, 1964, the Inspector of Buildings notified the appellant in writing that a permit for the proposed addition would not be issued for the above-mentioned reasons and on August 31, 1964, the appellant took an appeal in writing. Thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The house involved is located within a general-residence district requiring a minimum lot area of 10,000 square feet.

The appellant seeks permission to construct an addition 16' x 16'¹/₄" on the rear of her dwelling to provide a combination bedroom and family room. The appellant's husband recently has had a coronary attack and is not suppose to go over the stairs. If permission is granted, the room provided will be used by him principally and as a family room on occasions.

The proposed addition is designed to continue the line of the house and while it will be only 9.9' from the lot side line at the nearest point, due to the angle of the house on the lot, it will be slightly closer than the existing house is to the lot line at the nearest point. It will lie approximately 8¹/₂' from a wood-frame detached garage on the property rather than the required twenty feet.

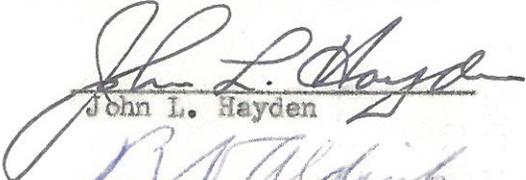
A plot plan drawn by MacCarthy Engineering Service, Inc., Natick, Mass. was submitted which showed the existing house on the property as well as the proposed addition and the existing detached garage.

Decision

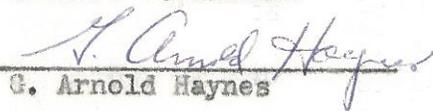
The Board has made a careful study of the facts in this case and while they do not satisfy the conditions set forth in Section XIX of the Zoning By-law, as the lot involved was not held under a separate and distinct ownership from adjacent lots on April 1, 1940, this Board, however, considered the appeal under the provisions of Chapter 40A, Section 15, of the General Laws.

It is the unanimous opinion of the Board that the granting of the requested variance and exception in this case will not in any way prove detrimental to the character of the immediate neighborhood nor should the proposed addition create a fire hazard subject to the conditions imposed by this Board. It is the feeling of the Board that there is a real need for the proposed addition which will provide a room available to the appellant's husband on the first floor, and that because of the shape of the lot and the plan of the existing building and personal hardship involved, a literal enforcement of the provisions of Section XIX of the Zoning By-law and Chapter IV, Section 1, of the Building Code would involve substantial hardship to the appellant and desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of such by-laws. Moreover, in the Board's opinion, the circumstances in this case were/within the contemplation of the relevant provisions of the Building Code. ^{not}

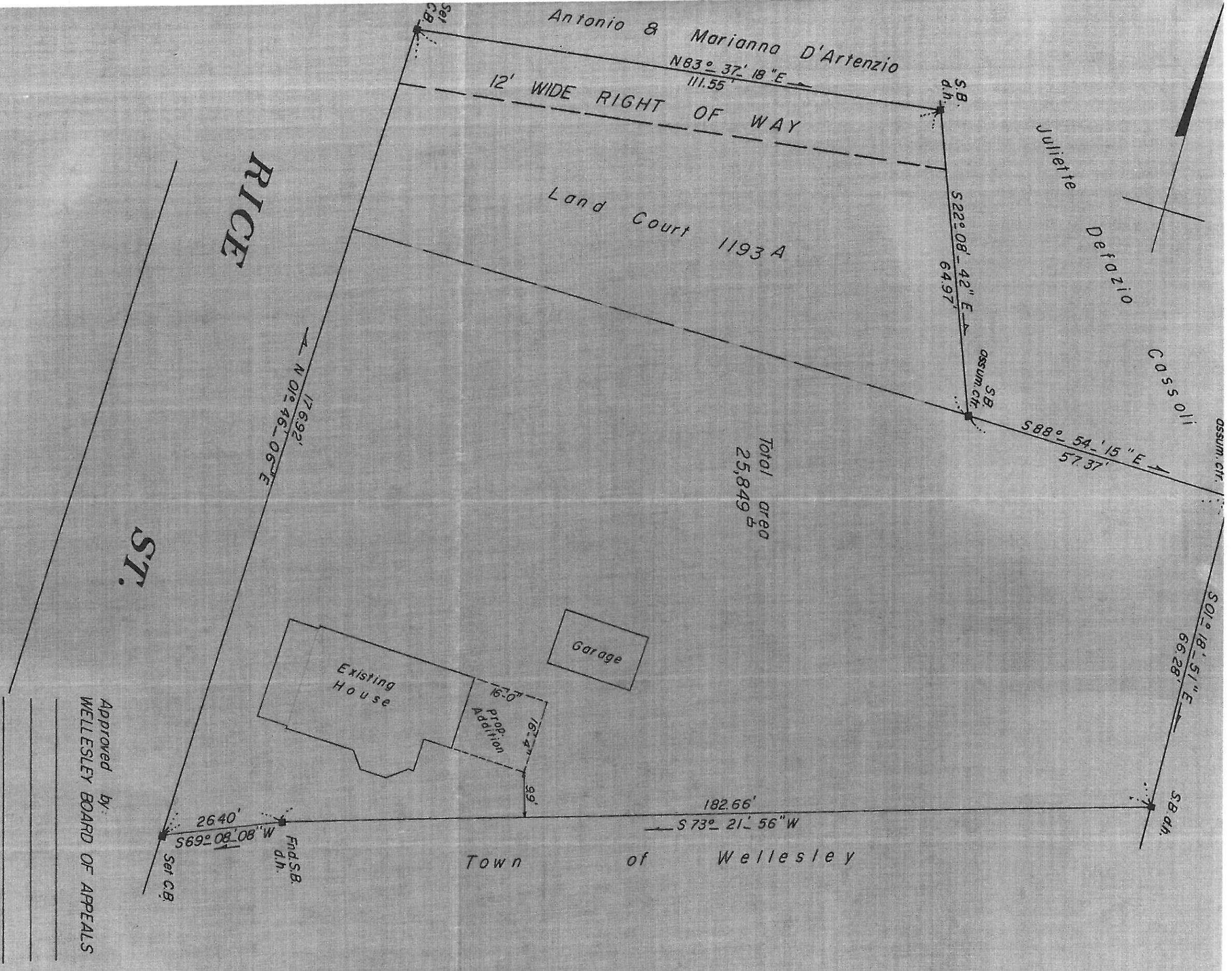
Accordingly, the requested variance is authorized and granted and the issuance of the permit for the proposed addition is hereby directed in accordance with the plan submitted and on file with this Board subject to the condition that the walls on the northerly side and the easterly side of the proposed addition shall be covered with aluminum clapboards and the walls on the southerly side and westerly side of the detached garage shall be covered with aluminum clapboards.


John L. Hayden


Richard O. Aldrich


G. Arnold Haynes

Filed with Town Clerk _____



Plan of Land in Wellesley, Mass.

(Showing Proposed Addition to Existing Building)

Scale: 1" = 20'

July 2, 1964

Date: _____

Approved by: _____

WELLESLEY BOARD OF APPEALS

Survey by:

Mac Carthy Engineering Service Inc. Natick, Mass.
 Nashoba Survey Co. Inc. Marlborough, Mass.