

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

THEODORE C. MERLO
F. LESTER FRASER
WILLIAM O. HEWETT

KATHARINE E. TOY
Administrative Secretary
Telephone
235-1664

Appeal of Eugene P. and Judith A. Collatz

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 8:30 p.m. on May 23, 1974, on the appeal of Eugene P. and Judith A. Collatz, from the refusal of the Inspector of Buildings to issue a permit to them to enclose the existing porch on the side of their dwelling at 8 Roberts Road. The reason for such refusal was that said porch, which had been enclosed without a permit, stands in violation of Section XIX of the Zoning By-law which requires a twenty-foot side yard and a further provision that no building shall be altered unless the resulting yard complies with the requirements of the by-law. Said appeal was made under the provisions of Section XXIV of the Zoning By-law.

Eugene P. Collatz spoke in support of the appeal at the hearing.

Statement of Facts

The house involved is located within a single-residence district requiring a minimum lot area of 20,000 square feet, and was constructed in 1935.

A plot plan was submitted at the hearing, drawn by Alexander Crucioli, Land Surveyor, dated March 9, 1974, which showed the existing dwelling on the lot as well as the enclosed porch located 12.30' from the southerly side lot line at the nearest point.

Mr. Collatz stated at the hearing that he enclosed the porch involved without a permit as he was unaware that one was required for such an enclosure. In January the Inspector of Buildings received a written complaint that work was being performed on the house and at that time the Inspector informed him that a permit was required and that the porch stood in violation of the Zoning By-law requiring a twenty-foot side yard. He further stated that he matched the exterior walls to the existing house; that there was no further encroachment into the side or rear yards and that due to an increase in his family he needed an additional year-round room which the enclosed porch provided. However, he has now found it necessary to sell the house and requested the Board to grant him relief and allow the porch in its present position 12.30' from the side lot line at the nearest point rather than the required twenty feet.

Decision

The Board has made a careful study of the facts in this case and has taken a view of the locus. In its opinion, the work performed without a permit was due to an error and that a literal enforcement of Section XIX of the Zoning By-law would cause a substantial hardship to the petitioners which can be avoided without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of said section.

The house was built in 1935 on a lot containing 9,925 square feet. While the lot has a frontage of approximately 131', it is triangular in shape

which prevents the possibility of a room of reasonable size being built in compliance with the side yard requirements of the Zoning By-law. Therefore, due to the width and shape of the lot as well as the location of the dwelling on the lot, it is the opinion of the Board that compliance with the by-law is impracticable. The house was built on a lot which was held of record on April 1, 1940, under a separate and distinct ownership from adjacent lots. It is the opinion of this Board that a real need exists for the room which the enclosure will provide and the facts in this case satisfy the conditions set forth in Section XIX of the Zoning By-law on which the Board's authority depends to grant a special exception from the application of the side yard restrictions of that section.

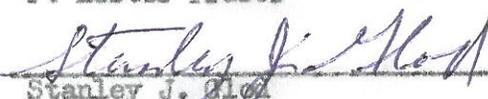
Accordingly, the requested exception is granted and the Inspector of Buildings is authorized to issue a permit for the enclosure of the existing porch in accordance with the plot plan submitted and on file with this Board.



Henry H. Thayer



F. Lester Fraser



Stanley J. Wood

Filed with Town Clerk ep/px



PLAN OF LAND
IN
WELLESLEY, MASS.
OWNED BY
EUGENE P. & JUDITH A. COLLATZ

SCALE 1"=40' MARCH 9, 1974.

ALEXANDER CRUCIOLI
ACRES ENGINEERS & SURVEYORS
6 ABBOTT ROAD
WELLESLEY, MASS.

Alexander Crucoli

ROBERT W. & ELIZABETH A. WILMARTH
Ho. # 10

ROBERTS ROAD

9,925.54 FT.

MARIA E. VIVIAN VILLA

MARGARET F. MAC GRAHAM &
HARRY CLIFFORD MAC GRAHAM JR.

Ho. # 671

Ho. # 669

WORCESTER STREET

