



## BOARD OF APPEAL

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

KATHARINE E. TOY  
Administrative Secretary  
Telephone  
235-1664

Petition of S. Christie Zafaris

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 8:00 p.m. on May 23, 1974, on the petition of S. Christie Zafaris, requesting a special exception from the terms of Section XIX of the Zoning By-law which will allow the construction of a dormer window on the dwelling at 72 Martin Road closer than the required twenty feet from the side lot line.

On May 1, 1974, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

The petitioner spoke in support of the request at the hearing.

Statement of Facts

The house involved was built in 1928, prior to the enactment of Section XIX of the Zoning By-law requiring a twenty-foot side yard and is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The petitioner seeks permission to construct a dormer window across the rear of the dwelling in order to gain a usable room and storage space which is greatly needed at this time. The petitioner's teenage daughter needs a place to study which can be provided by raising the roof as proposed.

The dwelling is one and one-half stories, located ten feet from the lot line on the southerly side and twelve feet from the lot line on the northerly side. A diagram was submitted showing the location of the house on the lot as well as drawings showing the proposed construction.

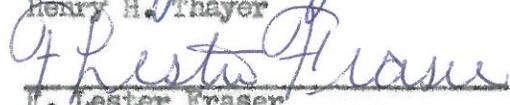
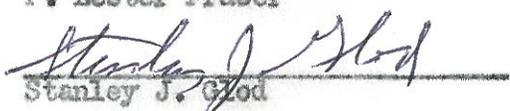
Decision

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 the Zoning By-law. The house was built prior to the enactment of the side yard requirement of twenty feet and was held of record on April 1, 1940, under a separate and distinct ownership from adjacent lots. While the lot is rectangular in shape, it is narrow, with a frontage of only 60', and the house is so situated on the lot, that it would not be possible to expand the second floor to a size which would be practical without violating the yard restrictions. Compliance, therefore, with the side yard requirements is impracticable because of the width and shape of the lot.

The Board feels that as there will be no increase in the encroachment in the side yard on the ground level and that the proposed construction consists only of raising the roof and extending the side walls of the dwelling, it will not

prove detrimental to surrounding properties nor derogate from the intent and purpose of the by-law.

It is, therefore, the unanimous opinion of this Board that the requested exception may be granted for the proposed construction which consists of constructing a dormer window across the rear of the dwelling as shown on the plan submitted and on file with this Board, and the Building Inspector is hereby authorized to issue a permit for such construction.

  
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Henry H. Thayer  
  
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F. Lester Fraser  
  
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Stanley J. God

Filed with Town Clerk \_\_\_\_\_

MR + MRS S. CHRISTIE ZAFIRIS  
92 MARTIN ROAD  
WELLESLEY MASS.

