



BOARD OF APPEAL

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 WILLIAM O. HEWETT
 FRANKLIN P. PARKER
 FRANCIS L. SWIFT
 HENRY H. THAYER

KATHARINE E. TOY
 Administrative Secretary
 Telephone
 235-1664

Petition of Robert H. Hale

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 8:05 p.m. on June 17, 1976, on the petition of Robert H. Hale, requesting an exception from the terms of Section XIX of the Zoning By-law which will allow him to construct an addition on the rear of the dwelling at 10 Emerson Road, with a side yard less than the required twenty feet.

On May 25, 1976, the petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Robert H. Hale spoke in support of the request at the hearing.

Statement of Facts

The dwelling involved, which was built in 1931, is located within a Single Residence District requiring a minimum lot area of 15,000 square feet, and was built prior to the enactment of the By-law requiring a twenty-foot side yard for dwellings.

The petitioner seeks permission to construct an addition at the rear of his dwelling which will consist of a platform deck and screen porch. If built, it will continue the existing line of the dwelling and will not encroach any closer to the side lot line than the existing house. The proposed addition is to be irregular in shape and will extend back from the house approximately 33' and will be 11½' from the side lot line, the same setback as the existing house.

It was pointed out by the petitioner that due to the topography of the lot which involves a slope to approximately thirty feet behind the house and then a sharp rise to an elevation of approximately ten feet, the proposed location of the addition appears to be the only suitable place for it. The deck has been designed in such a way that full access to the whole lot will be achieved, otherwise the full use of the rear portion of the lot is not feasible without some connection between the first floor of the dwelling, which is eight feet above the depress driveway and the basement garage. It was also stated that, in the opinion of the petitioner, the proposed addition is necessary for the living space it will provide and for the proper utilization of the property.

A plot plan was submitted, drawn by Everest M. Brooks Co., Newtonville, Mass., dated May 13, 1976, which showed the existing house on the lot as well as the proposed addition.

Decision

It is the unanimous opinion of this Board, after viewing the premises that the requested special exception may be granted. The Board feels that the proposed deck and porch are reasonably necessary and will not prove detrimental to the neighborhood.

The lot is irregular in shape with a frontage of approximately 118' tapering down to approximately 35' in the rear, and therefore, makes compliance with the requirements of Section XIX of the Zoning By-law impracticable because of its width and shape. It was held of record on April 1, 1940, under a separate and distinct ownership from adjacent lots, therefore, the facts in this case meet the criteria required for this Board to find under the provisions of Section XIX of the Zoning By-law.

It is, therefore, the unanimous opinion of this Board that the requested exception may be granted for the proposed deck and porch as shown on the plan submitted and on file with this Board, and the Build-Inspector is hereby authorized to issue a permit for such construction.

Francis L. Swift

 Francis L. Swift

F. Lester Fraser

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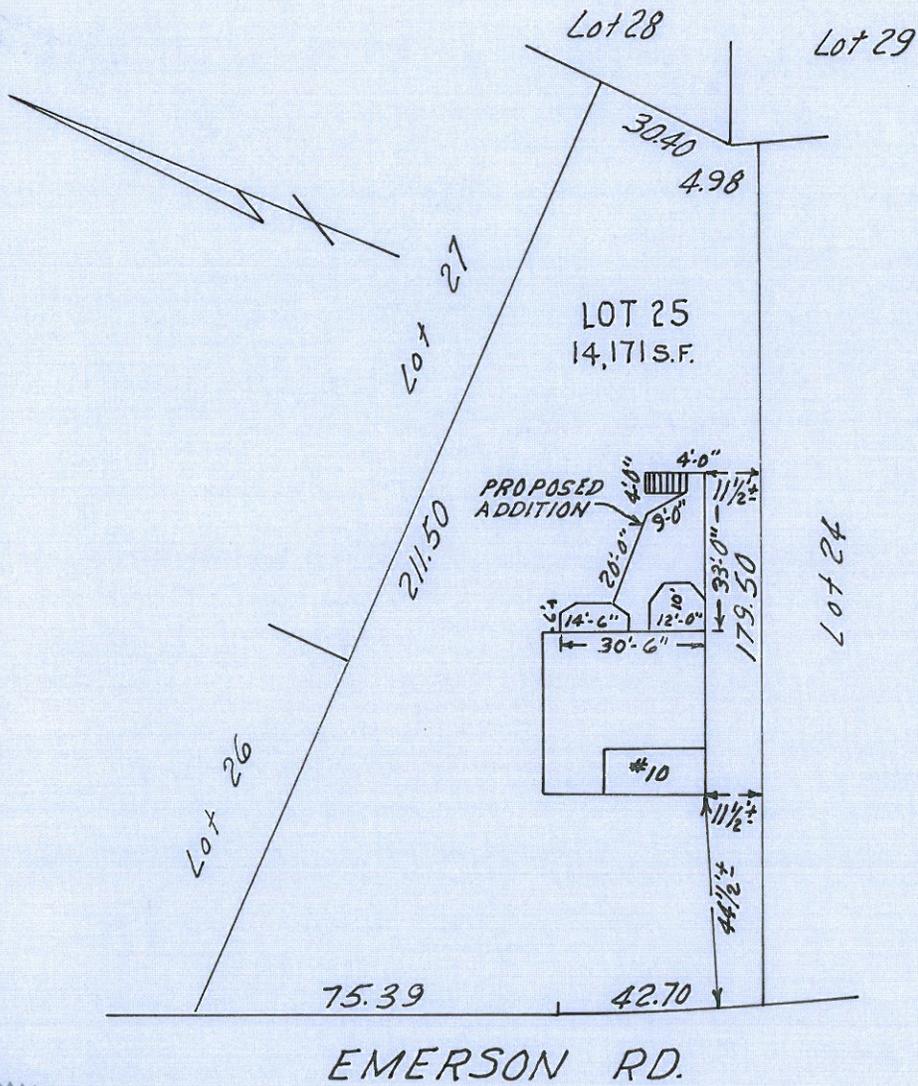
William O. Hewett

 William O. Hewett

Filed with Town Clerk _____

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Charles R. Thompson

PLAN OF LAND
 IN
 WELLESLEY 0 MASS.

SCALE: 1 IN. = 40 FT.

MAY 13, 1976

EVERETT M. BROOKS CO.
 NEWTONVILLE

CIVIL ENG'RS.
 MASS.