



BOARD OF APPEAL

F. LESTER FRASER
 STANLEY J. GLOD
 WILLIAM O. HEWETT
 FRANKLIN P. PARKER
 FRANCIS L. SWIFT
 HENRY H. THAYER

KATHARINE E. TOY
 Administrative Secretary
 Telephone
 235-1664

Petition of H. Chris and Theodora P. Doku

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 June 17, 1976, on the petition of H. Chris and Theodora P. Doku, requesting an exception from the terms of Section XIX of the Zoning By-law which will allow them to construct an addition on the front of their dwelling at 37 Maugus Hill Road, with a front yard less than the required setback. Said request was made under the provisions of Chapter 40A, Section 15, of the Zoning By-law.

On May 28, 1976, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

H. Chris Doku spoke in support of the request at the hearing.

The following persons spoke in favor of the request: Richard A. Campana, 33 Maugus Hill Road, Sandra J. Shear, 29 Maugus Hill Road, Mrs. Mary C. Campana, 33 Maugus Hill Road and Vahe E. Boyajian, 27 Maugus Hill Road.

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 1961.

The petitioners seek permission to construct an addition 9'6" x 40' 6" with a 3'0" roof overhang across the front of their house in order to provide a larger kitchen and to extend the existing entrance hall. It was stated that the existing kitchen is very small, approximately 8' x 9' and the entrance hall is very crowded.

All possibilities have been exhausted, it was stated, to construct an addition elsewhere on the dwelling. On the south side the land is limited and because of the sloping of the deck and the roof, there could be no access to any facilities on that side. Likewise, on the west side it would not be feasible because of the location of the deck and living room. Also due to the topography of the lot, with the sharp drop in the rear, it would be virtually impossible to get construction equipment to the rear of the house within a reasonable expense.

The petitioners feel that the proposed addition will not obstruct the view of the neighbors due to the level of the other houses on the street, and, if built, it will add to the appearance of the house and fit into the natural environment of the lot.

A plot plan was submitted, drawn by Philip R. Brown, Land Surveyor, MacCarthy & Sullivan Engineering, Inc., Natick, Mass., dated February 25, 1976, which showed the existing house on the lot as well as the proposed addition. Said plan showed the proposed addition to be 30.5' back from Maugus Hill Road at the nearest point.

Decision

This request has been made under the provisions of Chapter 40A, Section 15, of the General Laws, as the lot was not held under separate and distinct ownership from adjacent lots on April 1, 1939, a condition 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 Front Yard restrictions of the Zoning By-law.

Section XIX of the Zoning By-law, in the paragraph caption "Front Yard" under the heading "Requirements" states:

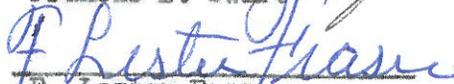
"There shall be provided for every building or structure hereafter erected or placed upon any lot a front yard at least thirty (30) feet in depth and.....; provided, however, that where on a frontage of 500 feet including the lot to be affected, or on a frontage between two intersecting or entering streets if such frontage is less than 500 feet, all existing buildings (if they are not less than three in number) provide front yards of a depth greater than 30 feet, the minimum depth thus provided shall be the depth required by this by-law on such frontage."

In applying the above requirement to this case, the Board is in agreement that the minimum setback requirement is thirty-three (33') feet. However, it is of the opinion that the slight encroachment of the proposed addition, if built, will not prove detrimental to the neighborhood. It is the further opinion of the Board, that due to the topography of the lot and the placement of the house on the lot, it would not be possible to construct an addition which would provide the additional space needed and comply with the Zoning By-law.

Therefore, it is the opinion of the Board 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.

Accordingly, the requested variance is granted under the provisions of Chapter 40A, Section 15, of the General Laws, and the Inspector of Buildings is authorized to issue a permit for the proposed addition in accordance with the plan submitted and on file with this Board.

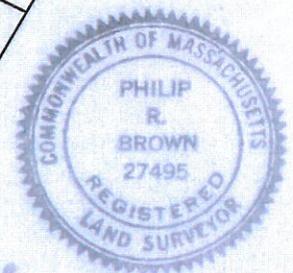
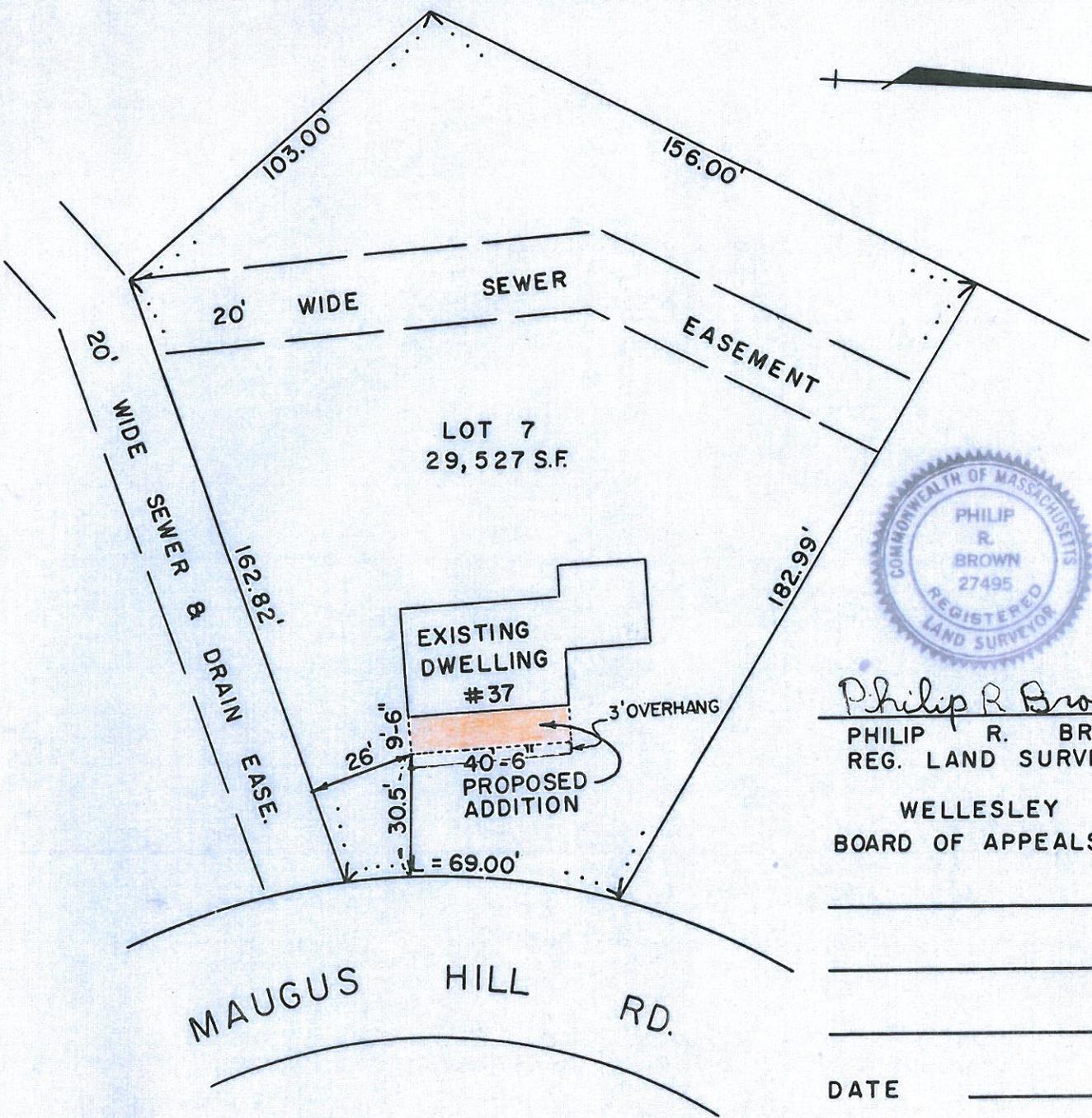

Francis L. Swift


F. Lester Fraser


William O. Hewett

RECEIVED
TOWN ENGINEER'S OFFICE
MAY 22 1952
MAY 22 1952

Filed with Town Clerk _____



Philip R. Brown

PHILIP R. BROWN
REG. LAND SURVEYOR

WELLESLEY
BOARD OF APPEALS

DATE _____

PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY: CHRIS H. DOKU

SCALE: 1" = 40' JAN. 3, 1977

PLAN BY: MACCARTHY & SULLIVAN ENGINEERING INC.
81 SPEEN ST., NATICK, MASS.