



ZONING BOARD OF APPEALS

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Petition of James Martin

Pursuant to due notice the Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:00 p.m. on May 19, 1977, on the petition of James Martin, requesting a variance from the terms of Section XIX of the Zoning By-law which will allow the construction of an addition on the front, side and rear of the dwelling at 93 Russell Road with side yards less than the required twenty feet. Said request was made under the provisions of Section XXIV-D of the Zoning By-law.

On April 29, 1977, the petitioner filed his request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

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

Norman Meyer, 115 Dover Road, spoke in favor of the request at the hearing.

Statement of Facts

The property is located within a Single Residence District requiring a minimum lot area of 10,000 square feet. The house is located on a lot containing 5,407 square feet and was built prior to the area requirement and the present side yard requirement.

The petitioner seeks a variance which will allow him to construct an addition 15' x 21.' on the front of his house, and an addition 10' x 21.8' on the rear of the house. These additions will provide a den and enlarge the existing house to a size which will provide adequate year-round living. It was explained that the present house is very small, and while the petitioner has owned the property for seven years, he has not been able to occupy it as there has not been a sewerage system in the area and the house is too close to Morses Pond to have a septic tank. The Town has just installed a sewer system to which his house can be connected, if the proposed additions can be made. It was further explained that the additions, if built, will continue the existing line of the house on both sides, but due to the slight angle of the house on the lot, the rear corner will be slightly closer to the lot line on the northerly side. The petitioner stated that there is an approximate thirty-foot slope from the street back to Morses Pond and for this reason he has tried to design the additions in the most practical manner. He also requested permission to erect a deck 4' x 20' on the southerly side of the house which will be used as an entrance to the house.

A plot plan was submitted, drawn by Alfred Gargaro, Land Surveyor, dated January 28, 1977, which showed the existing house on the lot as well as the proposed addition. Said plan showed the addition on the front of the house to be 31.10' back from Russell Road at the nearest point, 10.49' from the lot line on the southerly side and 5.27' from the lot line on the northerly side, and the addition on the rear of the house to be 12.36' from the lot line.

on the southerly side and 3.36' from the lot line on the northerly side.

The petitioner stated that he would stucco the addition on the northerly wall in order to conform with the State Building Code under which the Town of Wellesley is operating. He urged the Authority to grant the variance which will allow him to renovate and enlarge the house into a comfortable year-round dwelling.

Decision

The Authority has made a careful study of the evidence submitted and has taken a view of the locus.

In its opinion there is a real need for the extra space which the proposed additions will provide and the proposed locations appear to be the most practical and feasible for them to be constructed. The house as it is presently cannot be occupied as a year-round dwelling due to its inadequate size and condition. The Town has recently installed a sewer system along Russell Road so that the house now can be provided with necessary and adequate sewer facilities.

Although the proposed additions will be close to the lot lines, if built, they will continue the existing lines of the house except for the entrance deck, and the Authority feels that they will not prove detrimental to surrounding properties.

The lot is a long narrow lot, 37.5' by 117.5' approximately, and due to its shape, there is virtually no space available to construct an addition of any kind which will conform with the Zoning By-law. Due to the sharp slope toward Morses Pond, it would not be feasible to design the addition entirely on the rear of the house which might appear to be a better arrangement.

Therefore, it is the unanimous opinion of this Board that owing to circumstances relating to the size of the lot and the topography of the land involved, a literal enforcement of the provisions of Section XIX of the Zoning By-law would involve substantial hardship to the petitioner. It is the further belief of this Authority that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning By-law.

Accordingly, the requested variance is granted and the Inspector of Buildings is authorized to issue a permit for the proposed additions as shown on the plans submitted and on file with this Authority, subject to the following condition:

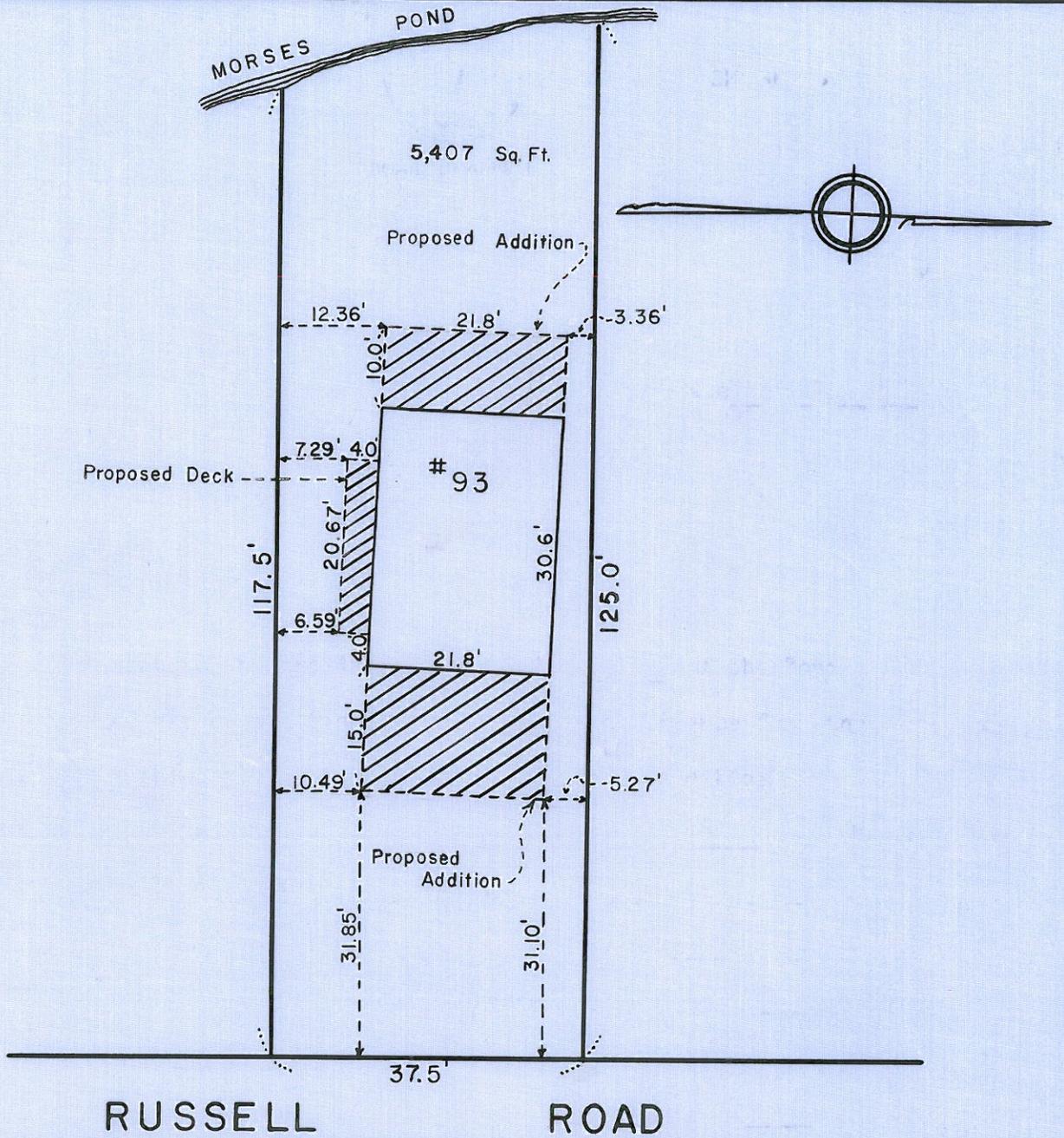
1. That said additions shall be covered with stucco or some other acceptable material on the northerly walls as required by the Mass. State Building Code, and that the proposed additions shall meet all other requirements of said Code.

ME1727E1W22
TOWN CLERK'S OFFICE
RECEIVED

Filed with Town Clerk _____

Copies of the decision and all plans referred to in the decision have been filed with the Town Clerk and the Planning Board.

Francis L. Swift
Francis L. Swift
F. Lester Fraser
F. Lester Fraser
William O. Hewett
William O. Hewett

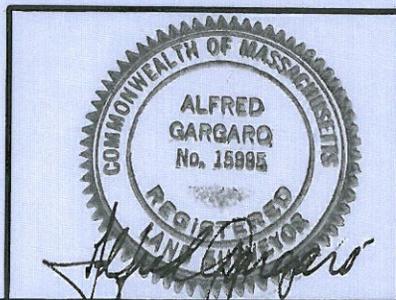


PLAN of LAND
in
WELLESLEY, MASSACHUSETTS

at
No. 93 RUSSELL ROAD
owned by
James Martin
Proposed House Additions

January 28, 1977

Alfred Gargaro



Scale: 1" = 20'

Land Surveyor