



ZONING BOARD OF APPEALS

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KATHARINE E. TOY
 Administrative Secretary
 Telephone
 235-1664

Petition of Robert M. and Joanne H. Smith

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 8:10 p.m. on November 3, 1977, on the petition of Robert M. and Joanne H. Smith, requesting a variance from the terms of Section XIX of the Zoning By-law, which will allow the petitioners to enclose the existing porch on the side of their dwelling at 10 Cottonwood Road and to construct a room above, with a side yard less than the required twenty feet. Said request was made under the provisions of Section XXIV-D of the Zoning By-law.

On October 18, 1977, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Robert Smith spoke in support of the request at the hearing.

Statement of Facts

The property involved is located within a Single Residence District requiring a minimum lot area of 10,000 square feet. The house was built in 1936, prior to the twenty-foot side yard requirement, on a lot containing 8,866 square feet.

The petitioners seek a variance which will allow them to enclose the existing porch on the easterly side of their dwelling and to construct a bedroom above. It was stated that the petitioners have a real need for an additional bedroom as they have three children and only three small bedrooms. After making a study of the layout of the house and the topography of the lot, it was stated, the plan being presented appeared to be the most practical and most economical. The alternatives, it was found, would necessitate considerable renovation to the interior of the house in order to provide a bedroom of adequate size and due to the topography of the land and soil conditions, very limited space remained available for the construction of an addition which would comply with the Zoning By-law. It was also pointed out that a drainage easement runs across the rear of the lot.

It was further pointed out that although the existing porch stands only 9.81' from the side lot line rather than the required twenty feet, the proposed addition above will not encroach any closer to the line and will not be extended to any greater size.

A plot plan was submitted, drawn by John J. Regan, Land Surveyor, dated July 20, 1977, which showed the existing house located on the lot as well as grade elevations of the lot, and the location of the drainage easement.

Decision

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

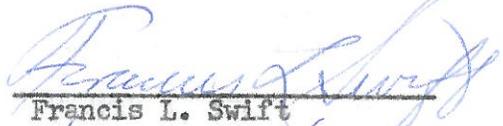
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In its opinion, there is a real need for the proposed bedroom which the addition will provide, and the proposed plan appears to be the only practical and feasible place it can be constructed to provide the space needed. It will not encroach any closer to the side lot line than the existing porch, and in the opinion of this Board, will not prove detrimental to the area.

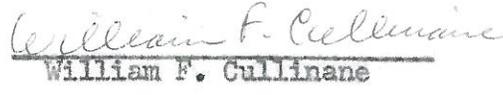
The grades shown on the plot plan submitted, indicate that there is a gradual drop in the land from the front of the lot to the rear and the drainage easement shown on the plan indicates that there has been a drainage problem on the lot. In the opinion of this Board, this may result in the petitioners now having difficulty in finding solid soil upon which to construct an addition on the rear of the dwelling which would comply with the Zoning By-law.

Therefore, it is the unanimous opinion of this Board that owing to circumstances relating to the topography of the land and the soil conditions, of the lot involved, a literal enforcement of the provisions of Section XIX of the Zoning By-law, would involve substantial hardship to the petitioners. It is the further opinion of this Board 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 Building Inspector is authorized to issue a permit for the proposed enclosure and addition as shown on the plan submitted and on file with this Board.


Francis L. Swift


William O. Hewett


William F. Cullinane

Filed with Town Clerk _____

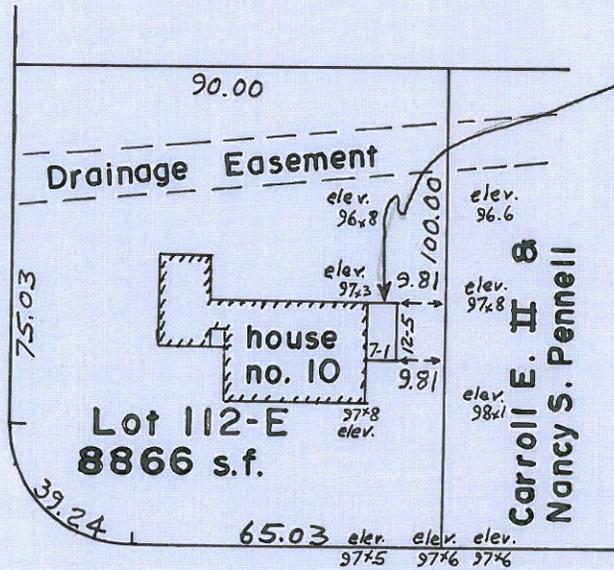
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Copies of the decision and all plans referred to in this decision have been filed with the Planning Board and with the Town Clerk.



Harold J. & Virginia C.
Fennessey

WILSON STREET



existing 7'-1" x 12'-5"
porch to be enclosed as
a house addition and
second story to be
added thereto.

Carroll E. II &
Nancy S. Pennell

COTTONWOOD ROAD



John J. Regan

PLAN OF LAND IN WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF
ROBERT M. & JOANNE H. SMITH
10 COTTONWOOD ROAD
WELLESLEY

SCALE 1 IN = 40 FT
APEX ASSOCIATES
NEWTON HIGHLANDS

JULY 20, 1977
LAND SURVEYORS
MASS.