



ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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 2003 FEB - 3 1 A 9 07

ZBA 2003-8

Petition of Richard Rovner and Rhonda Ryznar
 64 Martin Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 16, 2003 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of RICHARD ROVNER AND RHONDA RYZNAR requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following construction at their nonconforming dwelling with less than the required left and right side yard setbacks at 64 MARTIN ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Demolition of existing 9.47 foot by 14.6 foot enclosed porch and construction of a one-story kitchen expansion with the same dimensions with less than the required left side yard setback.
2. A second story 4.17 foot by 4.8 foot overhang with less than the required right side yard setback.
3. An "L" shaped deck 15 feet by 20.7 feet with less than the required left side yard setback.
4. A spiral staircase with a diameter of 5 feet with less than the required left side yard setback.

On December 23, 2002, the petitioners filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Richard Rovner and Rhonda Ryznar. Ms. Ryznar said they would like to add to their living space by expanding the kitchen into the existing porch and adding a bedroom and a bath over the kitchen expansion. Mr. Rovner added that the outside spiral staircase would connect to a second floor balcony.

The Board noted that the Planning Board had no objection to granting the request.

The Board commented that the addition at the front of the house would be 29.5 feet from the front lot line. Mr. Rovner said that must be an error because their intention is to be 30 feet from the front line. The Board further noted that the left side setback appears to be 15.3 feet, but the deck would be 14.8 feet from the left side line. Mr. Rovner said they are maintaining the existing line of the house, which may not be parallel to the lot line.

The Board asked what was the area of the spiral staircase. Ms. Ryznar said they expect it will be about 5 feet in diameter and will have a landing. Mr. Rovner said the 9.6 foot measurement is to the stair. The distance between the landing and the stair would be about another 2.5 feet from the left side line.

The Board stated that the proposed front addition should be no closer than 30 feet from the front property line. A new plot plan showing this revision and a measurement from the proposed landing to the left side lot line should be submitted to the office of the Board of Appeals prior to the issuance of a building permit.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 64 Martin Road, on a 6,824 square foot lot, in a 10,000 square foot Single Residence District, and has a minimum right side yard clearance of 15.7 feet and a minimum left side yard clearance of 15.3 feet.

The petitioners are requesting a Special Permit/Finding that the following construction shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Demolition of existing 9.47 foot by 14.6 foot enclosed porch and construction of a one-story kitchen expansion with the same dimensions with a minimum left side yard setback of 15.3 feet.
2. A second story 4.17 foot by 4.8 foot overhang with a minimum right side yard clearance of 15.8 feet.
3. An "L" shaped deck 15 feet by 20.7 feet with a minimum left side yard clearance of 14.8 feet.
4. A spiral staircase with a diameter of 5 feet with a minimum left side yard clearance of 9.6 feet.

A Plot Plan dated December 18, 2002, stamped by Craig A. Vancura, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated December 11, 2002, drawn by Hajan Architects; and photographs were submitted.

On January 7, 2003, the Planning Board reviewed the petition and had no objection to the granting of the request.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the proposed demolition and construction of the four projects described in the foregoing Statement of Facts shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, although the proposed deck shall encroach an additional .5 feet on the left side line, as the additions extend the existing line of the house, the maximum lot coverage is respected, and the mass and bulk of the additions are not an issue.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the aforesaid construction in accordance with the submitted construction plans, subject to the condition that prior to the issuance of any building permit, a revised plot plan showing the left side yard setback from the landing of the proposed spiral stair, and that the front setback of the left front corner of the

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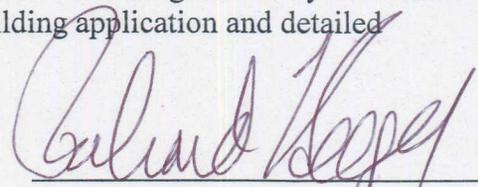
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64 Martin Road

proposed addition is no closer than 30 feet from the front property line, is submitted to the office of the Board of Appeals.

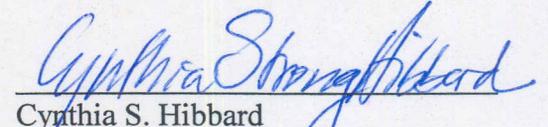
Subsequent to the submission of the revised plot plan, the Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

Cc: Planning Board
Inspector of Buildings
edg



Richard L. Seegel, Chairman



Cynthia S. Hibbard



David G. Sheffield

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NOTES:

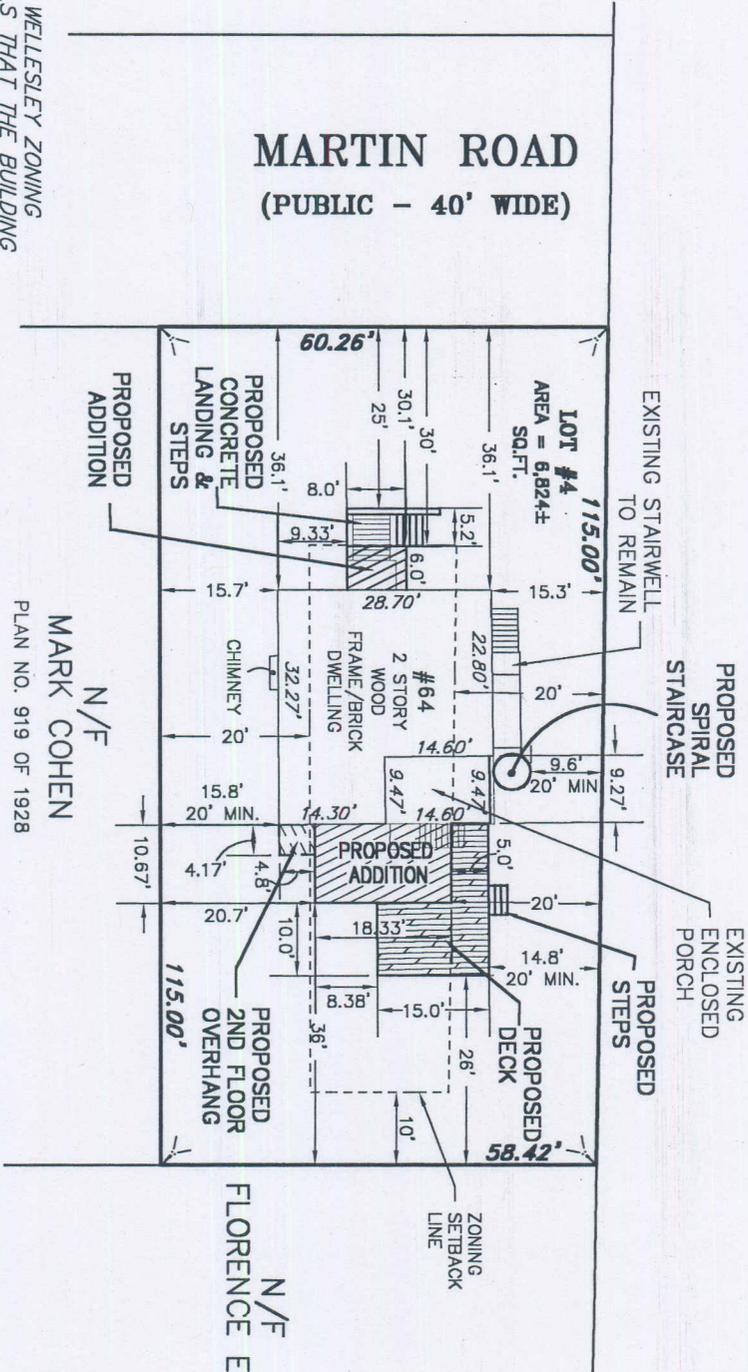
- 1) THIS PLAN IS NOT TO BE CONSIDERED AN ALTA/JACSM LAND TITLE SURVEY, NOR IS IT TO BE USED FOR RETRACEMENT OF PROPERTY LINES.
- 2) PROPERTY LINE OFFSETS SHOWN TO BRICK CORNERS.
- 3) THIS PLAN WAS PREPARED BY AN INSTRUMENT SURVEY.

N/F
ALBION R. CLAPP

ZONING:
SINGLE RESIDENCE 10
EXISTING LOT COVERAGE: 15%
PROPOSED LOT COVERAGE: 19%

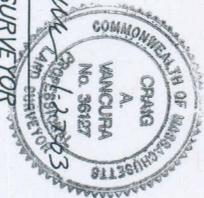
REFERENCES:
DEED: BOOK 15437 PAGE 304
PLAN: PLAN NO. 919 OF 1928

MERIDIAN SCALED FROM PLAN NO. 919 OF 1928



I CERTIFY TO THE WELLESLEY ZONING BOARD OF APPEALS THAT THE BUILDING SHOWN HEREON IS LOCATED ON THE GROUND AS SHOWN.

PROFESSIONAL LAND SURVEYOR



Craig A. Mancura

PLOT PLAN

OF LAND IN
WELLESLEY, MA

PROPERTY OF
RICHARD M. ROYNER & RHONDA M. RYZNAR

LAST REVISED:
1/27/03

SCALE: 1" = 20'

DECEMBER 18, 2002



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VOICE 978-777-3050 FAX 978-774-7816
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