



## ZONING BOARD OF APPEALS

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

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 (781) 431-1019 EXT. 2208  
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ZBA 2015-93  
 Petition of Kathleen Carney-Mark & Elliot Mark  
 31 Glen Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, December 3, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Kathleen Carney-Mark and Elliot Mark requesting a Variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw for demolition of an existing landing and stairway and construction of a 5.6 foot by 11 foot one-story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required front yard setbacks to Glen Road and Montvale Road, and less than required side yard setbacks, on an 8,333 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with 56 feet of frontage, at 31 Glen Road.

On November 16, 2015, the Petitioner 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 Elliot Mark, the Petitioner, and Ed Forte, Architect. Mr. Mark said that they were here two years ago for the exact same project. He said that they received a favorable ruling for a variance for a small addition to replace a dilapidated stairway. He said that through a combination of family circumstances with his wife's father falling ill and passing away and some other issues on the financial side and delay in finding a contractor, they found out that they were well beyond the one year expiration of the variance, which they thought was good for two years. He said that when they applied for the building permit, they found out that they would have to re-apply for a variance. He said that the plan is the same as what the Board had reviewed and approved two years ago. He said that they still have the same Architect and now have a Contractor. He said that the neighbors continue to support the project. He said that there are no changes at all to the approved project.

The Board said that the property still qualifies for a variance.

A Board member said that the Marks own two lots and they should probably be combined on a plan at the Registry of Deeds. Mr. Mark said that he used to get two separate tax bills. He said that at some point during the 16 years that they lived there they did something so that he now gets one tax bill. He said that he thought that they had combined the lots. He said that there may be some more formal proceedings that they should have done. The Board said that Mr. Marks should confirm that the lots have been combined of record with a plan of land recorded that shows this as all one lot.

There was no one present at the public hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 31 Glen Road, on an 8,333 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with 56 feet of frontage, with less than required front yard setbacks to Glen Road and Montvale Road, and less than required side yard setbacks.

The Petitioner is requesting a Variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw for demolition of an existing landing and stairway and construction of a 5.6 foot by 11 foot one-story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required front yard setbacks to Glen Road and Montvale Road, and less than required side yard setbacks, on an 8,333 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with 56 feet of frontage.

A Plot Plan, dated 8/16/13, revised 11/13/15, stamped by Wesley Guillaume, Professional Land Surveyor, Letter in support of the project, Rendering PD-2.1, dated 2/12/13 and Existing & Proposed Floor Plans and Elevation Drawings, dated 8/14/13, prepared by Forte Architecture + Design, and photographs were submitted.

On July 18, 2013, the Wetlands Protection Committee reviewed the project and voted to issue a Negative Determination of Applicability.

On December 1, 2015, the Planning Board reviewed the petition and recommended that the Variance be granted.

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 opinion of this Authority that literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to the shape and topography of such land, which does not generally affect the zoning district in which it is located, the hardship has not been self-created, and 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 Bylaw.

Therefore, the requested Variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is granted for demolition of an existing landing and stairway and construction of a 5.6 foot by 11 foot one-story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required front yard setbacks to Glen Road and Montvale Road, and less than required side yard setbacks, on an 8,333 square foot corner lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with 56 feet of frontage, subject to the following condition:

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- The lots shall be combined of record with a plan of land recorded at the Registry of Deeds that shows this as all one lot.

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.

If construction has not commenced, except for good cause, this Variance shall expire one year after the date time stamped on this decision.

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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.



Richard L. Seegel, Chairman

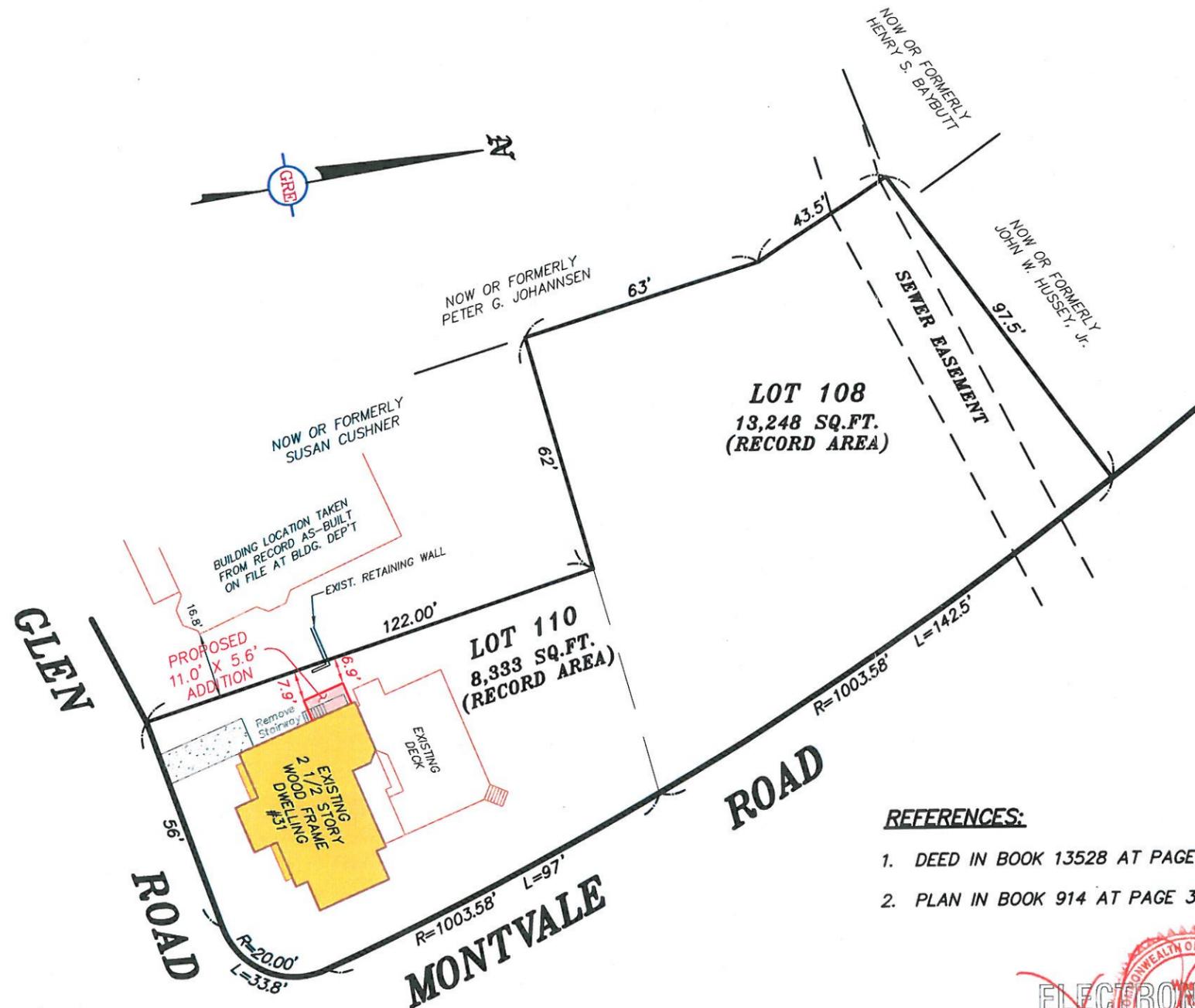


David G. Sheffield



Derek B. Redgate

cc: Planning Board  
Inspector of Buildings  
lrm



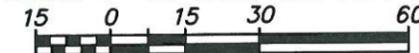
**NOTES:**

1. PHOTO REPRODUCTION OF THE SEAL AND SIGNATURE HEREON IS INDICATIVE OF UNAUTHORIZED REPRODUCTION AND USE OF THIS PLAN. IF THIS PLAN DOES NOT CONTAIN AN ORIGINAL SIGNATURE IN RED TOGETHER WITH AN EMBOSSED SEAL, IT IS NOT AN AUTHORIZED PLAN FROM GRE SURVEYING AND CANNOT BE USED FOR ANY PURPOSE WHATSOEVER. ANY UNAUTHORIZED USE OR MODIFICATION OF THIS PLAN MAY CONSTITUTE FRAUD AND WILL RENDER THIS PLAN NULL AND VOID.
2. THIS PLAN IS NOT TO BE USED FOR THE RECONSTRUCTION OF BOUNDARY LINES NOR FOR TITLE INSURANCE PURPOSES.
3. THIS PLAN DOES NOT REPRESENT A CONFIRMATION OF BOUNDARY LINES NOR A DETERMINATION OF TITLE BUT IS SOLELY INTENDED TO DEPICT THE OFFSET DIMENSIONS OF THE PROPOSED STRUCTURE TO THE LOT LINES AS DEPICTED ON A PLAN RECORDED IN BOOK 914 AT PAGE 321
4. THE SUBJECT PROPERTY IS DEPICTED AS LOT 13 ON WELLESLEY ASSESSOR'S MAP 42
5. OWNERS OF RECORD ARE ELLIOT J. MARK AND KATHLEEN E. CARNEY-MARK, 31 GLEN ROAD, WELLESLEY, MASSACHUSETTS 02481.
6. ALL OFFSETS SHOWN HEREON ARE TO THE NEAREST ONE TENTH (1/10) OF A FOOT.
7. ZONING IS SR-10.
8. EXIST. OPEN SPACE: 88.2% ± PROPOSED: 88.0% ±
9. EXIST. LOT COVERAGE: 10.9% ± PROP.: 11.1% ±

**PLOT PLAN of LAND**  
 LOCATED IN  
**WELLESLEY, MASSACHUSETTS**  
 (NORFOLK COUNTY)

PREPARED FOR  
**ELLIOT MARK**

SCALE: 1" = 30' DATE: AUG. 16, 2013



**GRE**  
 SURVEYING LLC

24 Raymond Place, Winchester, MA 01890  
 Telephone 781-721-1944

**REFERENCES:**

1. DEED IN BOOK 13528 AT PAGE 37.
2. PLAN IN BOOK 914 AT PAGE 321.



REV: 11-13-15

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