



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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TOWN OF WELLESLEY, MASS.
JUL 29 9 39 AM '87

ZBA 87-45

Petition of Frederick J. Klingmeyer
32 River Ridge

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, June 25, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall at 525 Washington Street, Wellesley on the petition of FREDERICK J. KLINGMEYER requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow the construction of a two-story addition approximately 29' 8" by 15' at the rear of his non-conforming dwelling at 32 RIVER RIDGE leaving less than the required rear yard and right (southerly) side yard.

On June 3, 1987 the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Frederick Klingmeyer, who introduced Mrs. Klingmeyer. Mrs. Likely and Mr. Sheikh, abutters, were present and Mr. Klingmeyer stated that they were in support of the request and that Mrs. Stone had sent a letter in support. Mrs. Klingmeyer presented letters from two other neighbors in favor of the request. Mr. Klingmeyer stated that that they need more room because they now have three children. They have owned the house for eight years. The lot is extremely small and the rear of the property abuts MDC property which is unusable and drops off sharply to the Charles River. The Shiekh's house is about 10 feet from the Klingmeyers house.

No others present expressed favor or opposition to the request.

Statement of Facts

The property in question is located at 32 River Ridge, containing 3,664 square feet of land. The rear of the property abuts MDC land. A non-conforming house exists on the lot with a setback of approximately 7.5 feet from #30 River Ridge and 4.05 feet from the right (southerly) side line.

The petitioner proposes a two-story addition approximately 29'8" by 15 feet at the rear of the dwelling, leaving a right side yard of 4.17 feet and a rear yard of 5.40 feet at the northeasterly corner and 7.14 feet at the southeasterly corner, to contain a living room, dining room and two bedrooms. A hardship is claimed due to the unusual shape of the lot.

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A Plot Plan was presented, drawn by John J. Regan, Registered Land Surveyor, of Newton Highlands, Ma., dated April 28, 1987, revised 5/18/87. Construction sketches were submitted as were photos.

The Planning Board, on June 16, 1987, opposed the variance request "on the basis that the proposed addition would not comply with the required ten foot setback from public land, in addition it would cause this building to be too close to the building on the adjacent lot (to the south)."

Letters of support were received from Joseph Curtin, 28 River Ridge, Walter Adams, 36 River Ridge, Donna & Charles Stone, 39 River Ridge.

Decision

This Authority has made a careful study of the evidence presented. The particular house in question in its location on the lot does not conform to the present Zoning Bylaws. The dwelling comes to 4.05 feet from the right side lot line.

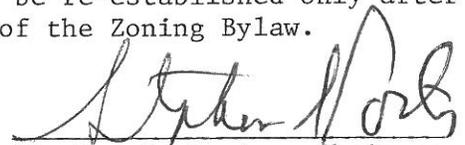
It is the opinion of this Authority that the property in question is extremely unique. The lot is very small and has an unusual shape. The lot abuts MDC land in the rear which appears to be unbuildable as it drops off sharply to the Charles River. It is the opinion of this Authority that, because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

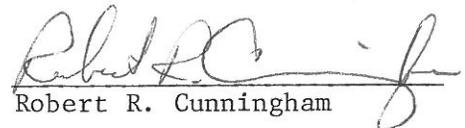
Therefore, the requested variance is granted to construct a two-story addition at 32 River Ridge, said addition approximately 29'8" by 15', as shown on the Plot Plan by John J. Regan, Registered Land Surveyor, dated April 28, 1987, revised 5/18/87, coming no closer than 4.17 feet from the right side lot line and 5.40 feet from the rear lot line.

The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.


Stephen S. Porter, Chairman

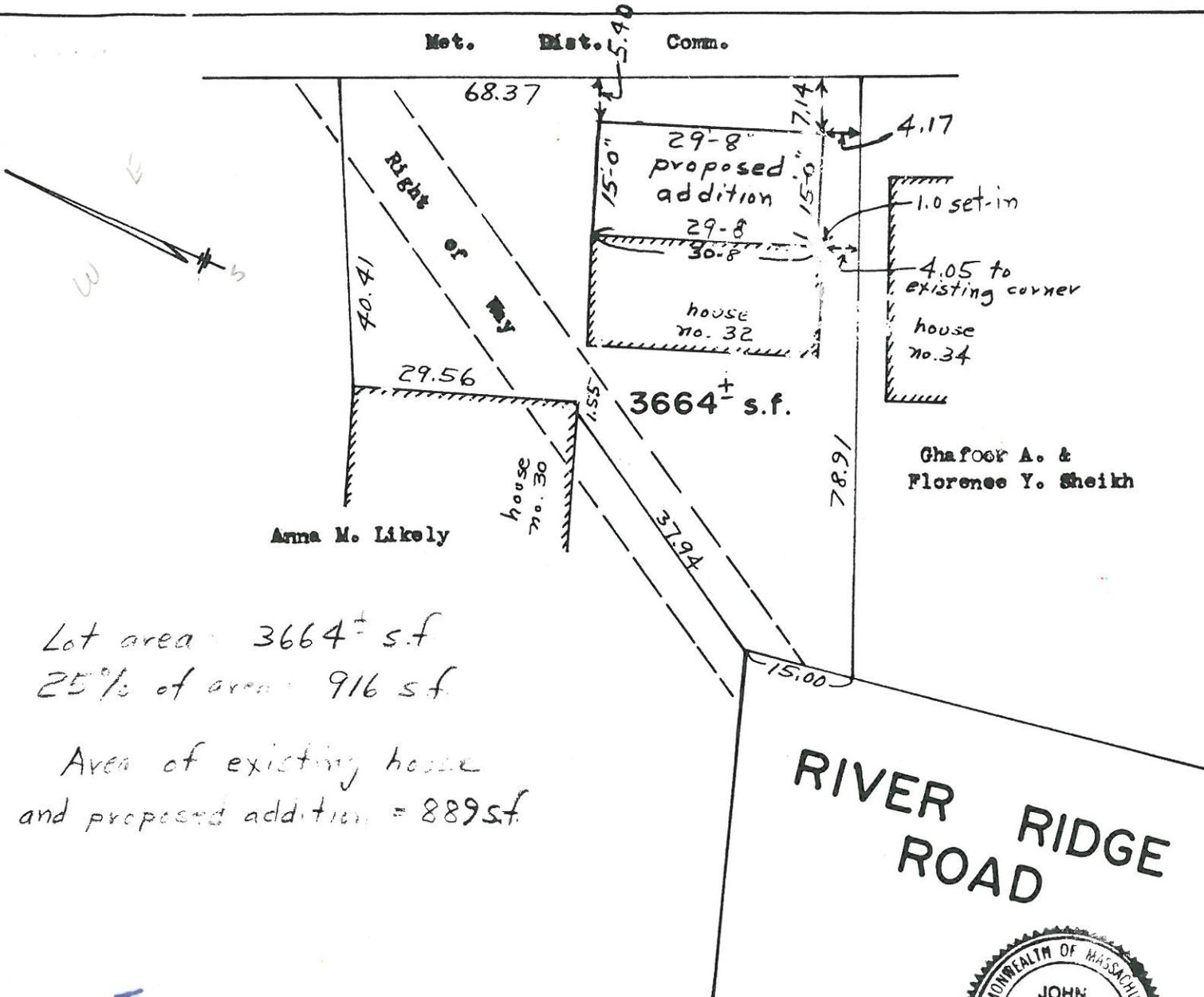

Robert R. Cunningham

cc: Planning Board
Inspector of Buildings

mam

18. MW 6E 6 6Z 70P
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TOWN CLERK'S OFFICE
WILLETT, MASS.

William E. Polletta



Lot area = 3664[±] s.f.
 25% of area = 916 s.f.
 Area of existing house
 and proposed addition = 889 s.f.

RECEIVED OFFICE
 REGISTERED SURVEYOR
 JOHN J. REGAN
 APR 28 1987



John J. Regan

**PLAN OF LAND
 IN
 WELLESLEY MASS.**

TO ACCOMPANY THE PETITION OF
FREDERICK & MARGARET KLINGMEYER
 32 RIVER RIDGE ROAD
 WELLESLEY

SCALE 1 IN = 20 FT
 JOHN J. REGAN
 NEWTON HIGHLANDS

Revised 5-18-87
 APRIL 28, 1987
 LAND SURVEYOR
 MASS.