

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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Petition of Richard H. Berry

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Wednesday, April 29, 1981 at 8:00 PM on the Petition of Richard H. Berry, requesting a Variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a single story addition - sunroom, with deck areas consisting of three levels at the rear of his dwelling at 40 Riverdale Road, with a side yard of less than the required twenty (20) feet. Said request is made under the provisions of Section XXIV-D of the Zoning Bylaw.

On April 6, 1981 the petitioner filed for a hearing before this Board and thereafter notice was given of the hearing by mailing and publication.

Present at the hearing and speaking on behalf of this request was Richard Berry. Mr. Berry pointed out that the proposed construction of the sunroom and the three decks will be going no closer than the existing dwelling is to either side lot line. The dwelling on the right side of the locus is approximately 10' from the property line. Mr. Berry stated that the yard slopes from the rear of the house to the middle of the lot and then begins to level off. There is nowhere else on the lot that the proposed construction could be placed without the need of a variance. Mr. Berry stated that the rear deck on the right side could be moved in closer to the middle of the lot; the proposed plans show the deck following the lines of the house straight back, but the lot narrows as it goes toward the rear and therefore the side encroachment becomes greater toward the rear of the deck.

Statement of Facts

The property involved is located within a Single Residence District. The locus 40 Riverdale Road is comprised of 6,265 square feet of land.

The petitioner seeks permission to add a 12' x 15' sunroom to the rear of the house with three deck levels consisting of approximately 12' x 12', 6' x 12'



and 5' x 10' respectively, as indicated on the Construction Plans submitted with this petition and filed in on April 6, 1981.

A Plot Plan was submitted, drawn by Charles Edward Brewer, Registered Land Surveyor, and dated March 25, 1981, showing the existing house, the proposed sun room and the proposed decks.

A letter was submitted to this Board by the Planning Board dated April 16, 1981, stating "even though the lot contains less than the required lot area and the lot is rather narrow, the Planning Board sees no reason for the deck to extend closer to the side line than the existing house."

Decision

The petitioner requests a Variance to allow a single story addition with three deck levels to the rear of the dwelling at 40 Riverdale Road, as shown on the Plot Plan dated March 25, 1981, submitted with this petition.

This Authority has made a careful study of the evidence submitted, especially noting that the proposed addition and decks will be following the existing lines of the dwelling. At least one member has taken a view of the locus.

It is the unanimous opinion of this Authority that due to circumstances relating to the shape and topography of the lot, which especially effect the lot in question, but not generally affecting the Zoning District, a literal enforcement of Section XIX of the Zoning Bylaw would involve substantial hardship to the petitioner and that desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw, and without substantial detriment to the public good.

Therefore, the Inspector of Buildings is authorized to issue a permit for the construction of the sunroom addition and the three deck levels, subject to the following conditions:

1. That a new Plot Plan be submitted to this Board showing the proposed construction to be no closer to the side lot line than the existing house is now.

William F. Cullinane

 William F. Cullinane, Chairman

John A. Donovan, Jr.

 John A. Donovan, Jr.

Stephen S. Porter

 Stephen S. Porter

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Charles E. Brewer

43.50

6265 SQ. FT.



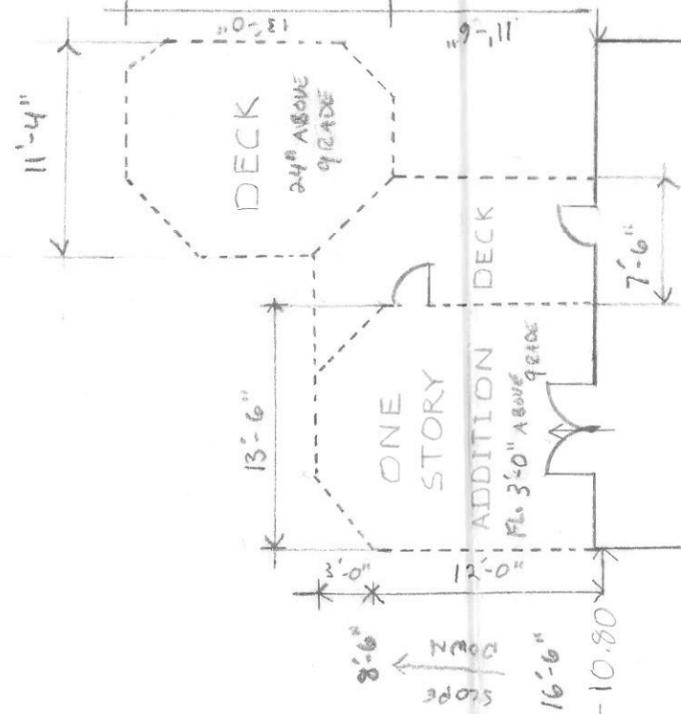
PROPOSED

ADDITION - - - - -

40 RIVERDALE RD.

WELLESLEY, MASS

MARCH 25, 1981



125.00

16'-6"

10.80

12'-0"

3'-0"

13'-6"

11'-4"

7'-6"

13.00

17.40

132.00

21.90

10.80

17.40

60.00