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ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 87-79

Petition of Edward Shea  
57 River Ridge

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, October 15, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, pursuant to the request of EDWARD SHEA requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow an addition to his non-conforming dwelling at 57 RIVER RIDGE of a shed dormer approximately 28 feet long on the left side attic with a balcony approximately 4 feet by 28 feet accessed from the dormer by a terrace door, leaving less than the required left side setback, said dwelling being in a Single Residence District.

On September 25, 1987, the petitioner requested 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 Edward Shea who stated that the floor joists have to be replaced on the second floor and that as long as the work had to be done, he would like to construct the addition at the same time. In response to Mr. Cunningham's question, Mr. Shea said that the unsigned, undated construction plans had been prepared by James MacDonald of Needham.

When questioned by the Board as to the number of unrelated people living in the dwelling, Mr. Shea responded that there were two besides himself, and that the number would not increase in the future. He agreed that there was no hardship involved, that the positioning of the deck was for aesthetic reasons and because the floor joists ran in that direction.

Donna Stone, 39 River Ridge, spoke in opposition to the request. Mrs. Stone enumerated a list of neighborhood grievances, which Mr. Donovan said were not pertinent to the present petition before the Board.

When questioned about Arthur LaConte's letter requesting a house inspection, Mr. Shea stated that he had spoken to Mr. LaConte and that Mr. LaConte could inspect the dwelling at any time. In response to Mrs. Stone's query about the existence of a Building Permit to enclose the porch, Mr. Shea answered that the Permit was on file in the Building Department.

No others were present expressing favor or opposition to the request.

Statement of Facts

The non-conforming dwelling is located at 57 River Ridge on a 12,079 square foot lot in a Single Residence District with a left front side setback of 14 feet 6 inches. A Plot Plan, dated March 19, 1987, prepared by Richard Betts, Professional Land Surveyor and undated, unsigned construction plans were submitted.

On October 3, 1986 a Building Permit was issued to install a skylight on the porch and to add a full bath on the first floor, but no Building Permit has ever been issued to enclose the porch.

On August 19, 1987, Arthur LaConte, Building Inspector, in a letter to Mr. Shea, requested an appointment for a zoning inspection to determine whether more than three unrelated persons were living on the premises, in violation of the Zoning Bylaw Section IA. To date, there has been no response from Mr. Shea to determine a time and date for this inspection.

The Planning Board, at its regular meeting on September 29, 1987, voted to oppose the variance request on the basis that it represented a substantial encroachment on an already inadequate side yard.

Decision

This Authority has made a careful study of the evidence presented. The particular house in question does not conform to the present Zoning Bylaws. The dwelling comes to within 14 feet 6 inches of the left side line.

Variances may only be granted by the Permit Granting Authority once they have found any or all of the following (Section XXIV-D 1 as quoted from the Zoning Bylaw.):

"1. ....

- a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to: i) soil conditions, ii) shape, or iii) topography of land or structures, especially affecting such land or structures but not generally affecting the zoning district in which it is located; and the hardship shall not have been self-created;..."

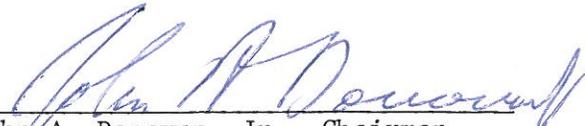
This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D of the Zoning Bylaw.

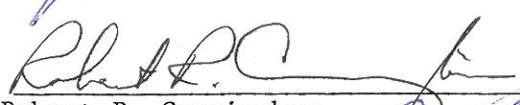
Therefore, it is the unanimous opinion of this Authority that this request for a variance be denied, and this petition is dismissed.

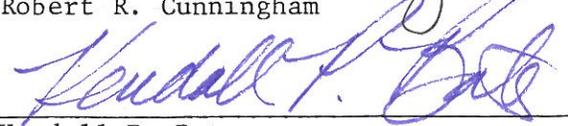
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

cc: Planning Board  
Building Inspector

edg

  
John A. Donovan, Jr., Chairman

  
Robert R. Cunningham

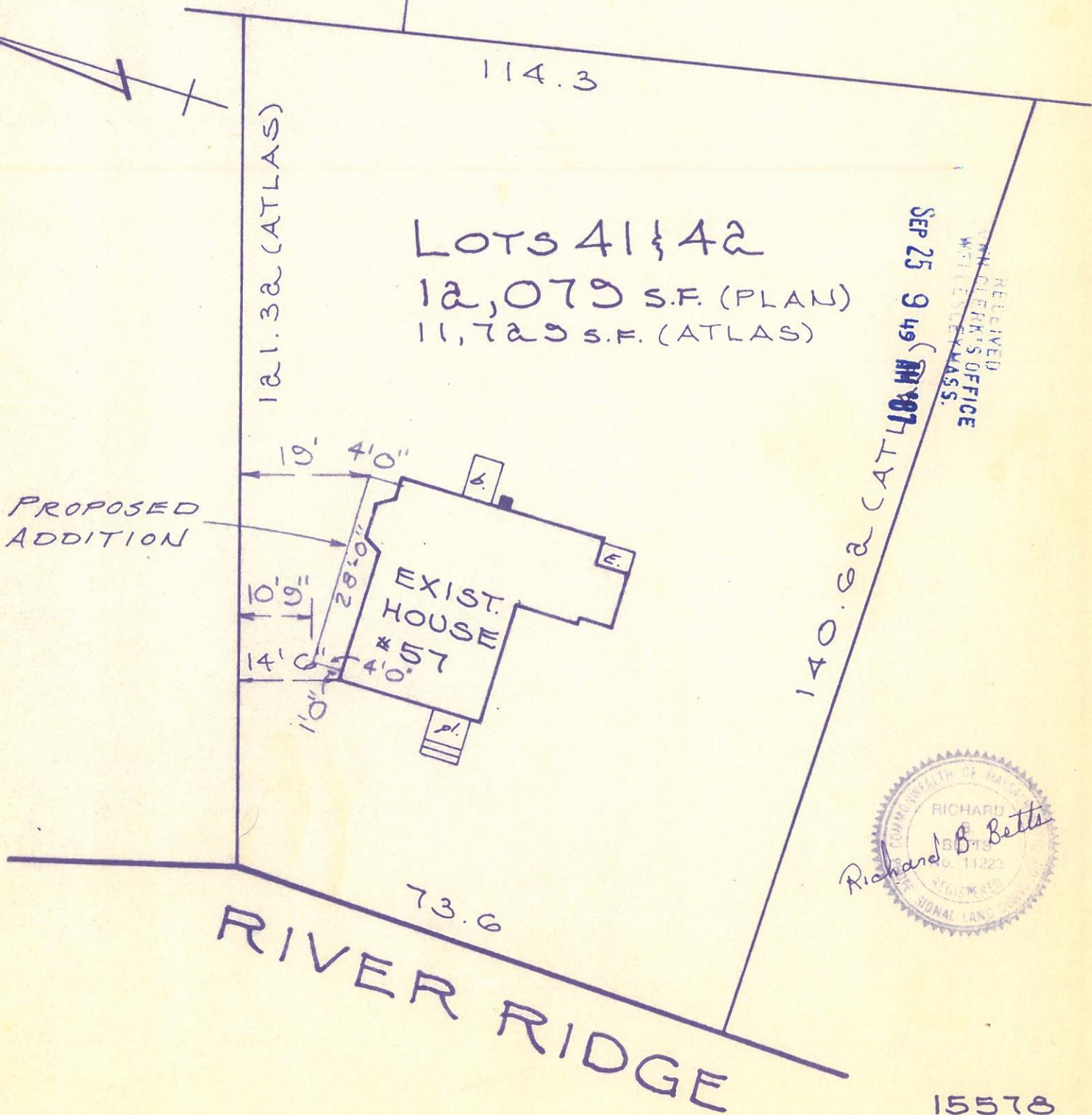
  
Kendall P. Bates

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PLAN OF LAND  
IN  
WELLESLEY • MASS.

TO ACCOMPANY THE PETITION OF  
EDWARD SHEA  
57 RIVER RIDGE

SCALE: 1 IN = 20 FT MARCH 19, 1987  
EVERETT M. BROOKS CO. C.E.'S  
NEWTONVILLE MASS.



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