TOWN OF WELLESLEY MASSACHUSETTS

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ZONING BOARD OF APPEALS

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

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ZBA 2000-24
Petition of Elliot J. and Kathleen E. Mark
31 Glen Road

Pursuant to due notice, the Special Permit Granting Authority and the Permit Granting Authority held a Public Hearing on Thursday, March 23, 2000 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of ELLIOT J. AND KATHLEEN E. MARK requesting the following relief for construction at their nonconforming dwelling with less than the required front setback from MONTVALE ROAD and less than the required left side yard setback, at 31 GLEN ROAD in a Single Residence District:

A. A Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 16 foot by 7.5 foot second story addition with less than the required left side yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The will be no change in the footprint.

B. A variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of a 24.3 foot by 18 foot deck with less than the required left side yard setback.

On March 6, 2000, 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 was Elliot Mark, who said that the proposed addition will be constructed on top of an existing addition, so it will not be more nonconforming that the existing addition which was approved by the Board several years ago.

Mr. Mark said that with respect to the deck, it will extend straight back from the house. The property line cuts in a little at that point, which creates the need for a variance. In order to build the deck, they will remove an existing dilapidated nonconforming garage.

The Board asked if the entire roof would be raised over the existing one story addition in order to add the second story. Mr. Mark said there is an existing dormer window, and then deferred to his builder, Bob Tisley, for further explanation. Mr. Tinsley said that the second story roof will begin at the peak and come down to meet the existing roof line. The new roof will only cover the addition.

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The Board noted that the Planning Board had no objection to the second story addition, but recommended that if the deck were to be allowed, it should remain open and uncovered. This would be a condition in the decision.

The Board commented for the record that the Mark's property, both as to shape and topography, is one of the few properties that truly meets variance requirements.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 31 Glen Road, in a Single Residence District, on a 21,581 square foot lot, with a minimum front yard setback from Montvale Road and a minimum left side yard setback of 11.7 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a 16 foot by 7.5 foot second story addition, with a minimum left side yard setback of 12.6 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling. There will be no change in the footprint.

The petitioners are also requesting a variance to construct a 24.3 foot by 18 foot deck extending from the left rear side of the dwelling, which would have a minimum left side yard setback of 10 feet.

A Plot Plan dated February 14, 2000, drawn by GRE Surveying; Existing and Proposed Floor Plans and Elevations dated 2/14/2000, drawn by Robert Tinsley; and photographs were submitted.

A letter dated February 18, 2000, from Susie Cushner, 33 Glen Road, in support of the petition, is on file in the office of the Board of Appeals.

On March 14, 2000, the Planning Board reviewed the petition and recommended no objection to the second story addition or to the deck, provided that the variance for the deck be conditioned on the deck remaining open and uncovered for the future of the structure.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling 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 7.5 foot by 16 foot second story addition will not be substantially more detrimental to the neighborhood than the existing nonconforming structure as it will neither intensify the existing nonconformance or will it create new nonconformity as there will be no change in the footprint.

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A Special Permit is hereby granted, as voted unanimously by this Authority at the Public Hearing, for construction of a 7.5 foot by 16 foot second story addition subject to construction in accordance with the submitted plot plan and construction drawings.

In regard to the requested variance, it is the opinion of this Authority that because of the shape of the lot, the location of the house on the lot and the topography of the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners, and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance to construct a 24.3 foot by 18 foot deck with a minimum left side yard setback of 10 feet is granted, as voted unanimously by this Authority at the Public Hearing, subject to construction in accordance with the submitted plot plan and construction drawings, and further subject to the following condition:

1. The subject 24.3 foot by 18 foot deck shall remain open and uncovered for the future of the structure.

The Inspector of Buildings is hereby authorized to issue permits for construction of both the second story addition and the deck 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 PETITION IN THE OFFICE OF THE TOWN CLERK.

Kendall P. Bates

Kendall P. Bates, Chairman

William E. Polletta

William E. Polletta

Richard L. Seegel

Richard L. Seegel

Cc: Planning Board
Inspector of Buildings
edg

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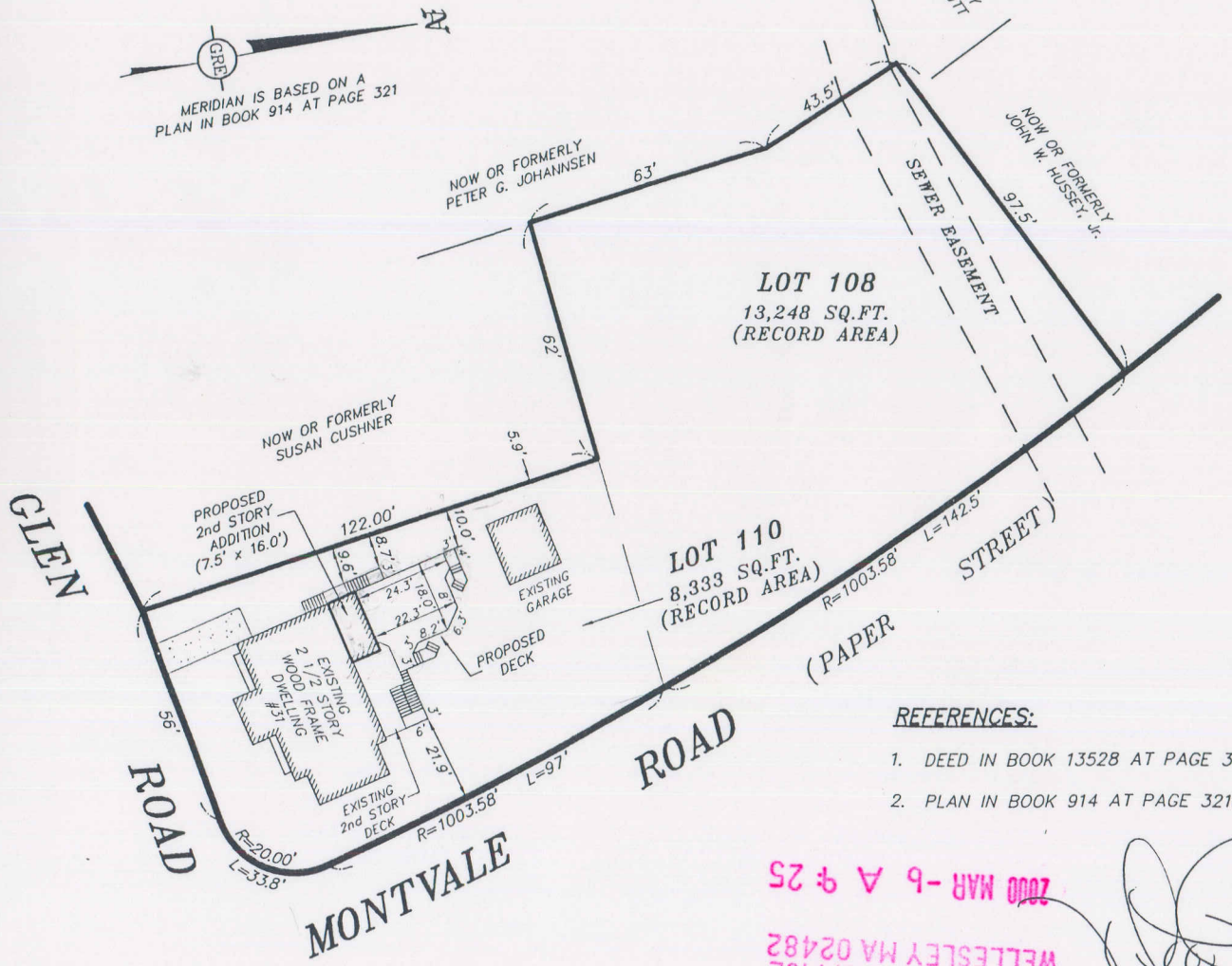

NOTES:

1. PHOTO REPRODUCTION OF THE SEAL AND SIGNATURE BELOW IS INDICATIVE OF UNAUTHORIZED REPRODUCTION AND USE OF THIS PLAN. THE ENFORCEMENT AUTHORITY SHALL NOT ACCEPT A PHOTO REPRODUCTION FOR ANY PURPOSE.
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, 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 SRD-10.
8. EXISTING OPEN SPACE: 91% ± PROPOSED: 89% ±
9. EXISTING LOT COVERAGE: 8% ± PROPOSED: 11% ±

REFERENCES:

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

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

PREPARED FOR

ELLIOT J. MARK

SCALE: 1"= 30' DATE: Feb. 14, 2000

15 0 15 30 60

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

DWG No. 000114PP GRE No. 000114

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