

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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WILLIAM E. POLLETTA, VICE CHAIRMAN
RICHARD L. SEEGEL

ELLEN D. GORDON
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 208

ROBERT A. BASTILLE
CYNTHIA S. HIBBARD
ROBERT W. LEVY

August 25, 2000

Richard D. Eyges
46 Rosalie Road
Newton, MA 02459

Re: ZBA 2000-67
Appeal and Request for Variance of Richard D. Eyges
89 Manor Avenue

Dear Mr. Eyges:

Please be advised that at the Public Hearing held on August 24, 2000, the Zoning Board of Appeals voted unanimously to grant your request to withdraw the above referenced petition without prejudice.

Any future petition regarding construction at 89 ^{Manor Avenue} ~~Bay View Road~~ requiring relief from the Board of Appeals will require a new application, a new plot plan showing the proposed dwelling footprint with all relevant setbacks, and new floor plans and elevations.

If you have any questions, or need further assistance, please do not hesitate to call me.

Very truly yours,

Ellen D. Gordon
Executive Secretary, Zoning Board of Appeals

cc: Town Clerk
Planning Board
Inspector of Buildings

Richard Eyges
46 Rosalie Rd.
Newton, MA 02459

AUGUST 17, 2000

TOWN CLERK AND THE
ZONING BOARD OF APPEALS
525 WASHINGTON ST.
WELLESLEY, MA 02484-5992

RE: 89 MANOR AVENUE, WELLESLEY

TO THE TOWN CLERK AND THE ZONING BOARD OF APPEALS:

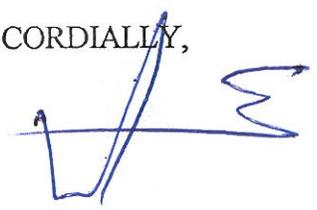
I, RICHARD D. EYGES THE OWNER OF 89 MANOR AVENUE, WELLESLEY
HEREBY WITHDRAW ALL MY REQUESTS BEFORE THE ZONING BOARD OF APPEALS
LISTED BELOW ARE MY PETITIONS THAT ARE TO BE WITHDRAWN.

I AM DOING THIS AS THE BUILDING DEPARTMENT HAS INDICATED TO ME THAT
I AM IN COMPLIANCE WITH THE ZONING REGULATIONS AT THE TIME I WAS INSTRUCTED
BY THE BUILDING INSPECTOR TO GO AHEAD WITH MY CONSTRUCTION.

ZBA 2000-67
A. Petition of RICHARD D. EYGES appealing the Order of the Inspector of Buildings, pursuant to the provisions of Section XXIV-D.(1) and Section XXIV-D of the Zoning Bylaw, to move the existing structure at 89 MANOR AVENUE, on the corner of OAKDALE AVENUE, in a Single Residence District, to a distance of not less than 20 feet back from the rear lot line. The structure is presently 14.6 feet from the rear lot line on a corner lot.

B. Petition of RICHARD D. EYGES requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw which will allow the existing 27.6 foot by 46 foot two-story nonconforming dwelling to remain with a minimum rear yard setback of 14.6 feet rather than the 20 feet required for the rear yard setback on a corner lot at 89 MANOR AVENUE and the corner of OAKDALE AVENUE, in a Single Residence District. Said request is made in order to bring the existing dwelling in to conformance. Plans may be examined in the office of the Board of Appeals.

CORDIALLY,



RICHARD EYGES

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TOWN CLERK'S OFFICE
WELLESLEY MA 02482

**RICHARD D. EGYES
46 ROSALIE ROAD
NEWTON, MA 02459
(617) 969-6091**

August 2, 2000

Town Clerk and the
Zoning Board of Appeals
Town of Wellesley
525 Washington Street
Wellesley, MA 02484-5992

**NOTICE OF APPEAL
PURSUANT TO M.G.L. CHAPTER 40A, SECTIONS 8 AND 15
AND SECTION XXIV-D(1) OF THE WELLESLEY ZONING BY-LAW**

Locus: 89 Manor Avenue, Wellesley

To the Town Clerk and the Members of the Zoning Board of Appeals:

I, Richard D. Eyges, the owner of 89 Manor Avenue, Wellesley, am filing this Notice of Appeal of the Inspector of Buildings' Order issued on July 28, 2000 (a copy of which is attached hereto as Exhibit A) wherein I was ordered to move the existing structure to a distance of not less than 20 feet back from the rear lot line. The structure on the premises is currently 14.6 feet back from the rear lot line. This property is a corner lot. The Town Meeting on March 27, 2000 passed ARTICLE 23 amending SECTION XIX of the Zoning Bylaw and increasing the rear set back requirements on corner lots from 10 feet to 20 feet. This increase in rear set back requirements has created a hardship.

I include with the Notice of Appeal a request for a Variance from the terms of SECTION XIX of Wellesley Zoning By-Laws, Yard Regulations.

The facts and circumstances surrounding the hardship are as follows: On October 21, 1999 I purchased the premises with the intention of demolishing the existing home and replacing it with a new one. In November and December 1999 I met with Edgar A. Phaneuf, Jr. the Inspector of Buildings and Zoning Enforcement Officer for the Town of Wellesley to discuss my plans for construction. The lot is located on the corner of Oakdale and Manor Avenue, is square-shaped with dimensions of 100 feet by 100 feet, and is 10,000 square feet in size. In reviewing the rear yard and side yard requirements with Mr. Phaneuf in November and December of 1999 I was informed that the Zoning Bylaw required 20 feet for the side yard set back and 10 feet for the rear yard set back. I planed the home accordingly.

During January and February 2000 I met with Mr. Phaneuf several times to review my drawings and plans, including the side and rear yard set back. On February 21, 2000 I received my stamped plans and shortly thereafter reviewed the plans with Mr. Phaneuf. The review

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included going over the placement of the home on the lot. On February 28, 2000 I submitted a completed Application for a Building Permit which included the proposed site plan which indicated the rear yard set back of the proposed dwelling. On March 9, 2000 the Building Permit issued. I then constructed the home according to the plans and Building Permit with a rear yard set back of 14.6 feet.

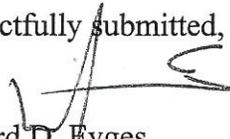
On July 17, 2000 I received a copy of Kathleen C. Gallivan's letter to Mr. Phaneuf requesting Zoning Bylaw enforcement because the rear yard set back of the home was not 20 feet. It was not until Ms. Gallivan's letter that I learned that the Town Meeting on March 27, 2000 passed Article 32 which amended the rear yard set back requirement for a corner lot by increasing the rear yard set back from 10 feet minimum to 20 feet. Mr. Phaneuf has informed Ms. Gallivan and me that he considered the Zoning Bylaws in effect in December 1999 to govern this project because that is when he verbally authorized the construction.

In order for me to comply with the new rear yard set back requirements I would have to somehow remove 5.4 feet of the home. As a practical matter this would require me to demolish the entire structure and the foundation. Clearly a hardship.

For all the reasons set forth above I request the Zoning Board of Appeals:

1. GRANT THIS APPEAL of the Order of the Inspector of Buildings issued to Property Owners, dated July 28, 2000; and
2. GRANT A VARIANCE from the terms of Section XIX B. Requirements, Minimum Rear Yard Depth by allowing the existing structure to remain as constructed with a rear yard set back of 14.6 feet.

Respectfully submitted,



Richard D. Eyges

To assist with your consideration of this matter I am enclosing copy of the following:

1. Plot Plan – As Built Certification Form – Certified by my Surveyor showing the foundation location and set backs;
2. Construction Plans;
3. Photographs showing the existing home;
4. Demolition Permit No. 32210, dated February 3, 2000;
5. Building Permit No. 32276, dated March 9, 2000;
6. Kathleen C. Gallivan's Letter of July 17, 2000, requesting Zoning Bylaw Enforcement;
7. Mr. Phaneuf's response to Ms. Gallivan, dated July 28, 2000;
8. Mr. Phaneuf's ORDER to Property Owners, dated July 28, 2000 (Exhibit A).

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WELLESLEY MA 02482

OK 3/14/00 EGP



AS BUILT CERTIFICATION FORM

Building Permit No. 37276

Street MANOR AVE No. 89

Builder Tom Sullivan

Address Westwood, Mass.

Owner RICHARD EGGES

Address 46 ROSALIE RD. W. NEWTON

Building dimensions 46 X 54.9

Distances:

Adjoining Bldgs. _____

Front Yard 30.5 Rear Yard 14.6

Side Yard 30.4 Side Yard 23.6

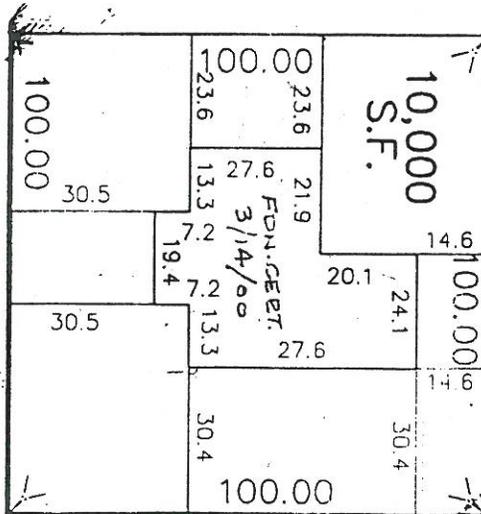
Area of Lot 10,000 S.F.

TO BE COMPLETED IN DUPLICATE

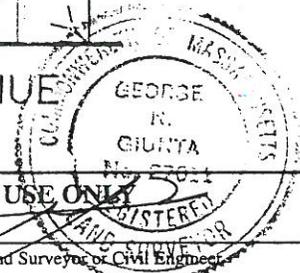
ORIGINAL

PLOT PLAN

OAKDALE AVENUE
LOT COV. = 18.93%



MANOR AVENUE



FOR BUILDING DEPARTMENT USE ONLY

Stamped & Signed By _____

Reg. Land Surveyor or Civil Engineer

Date 3/14/00

Address 281 CHESTNUT ST. NEEDHAM
02492

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Permit No. 32210

APPLICATION
FOR
BUILDING PERMIT

St. and No. 89 MANOR AVENUE

Owner RICHARD EYGES

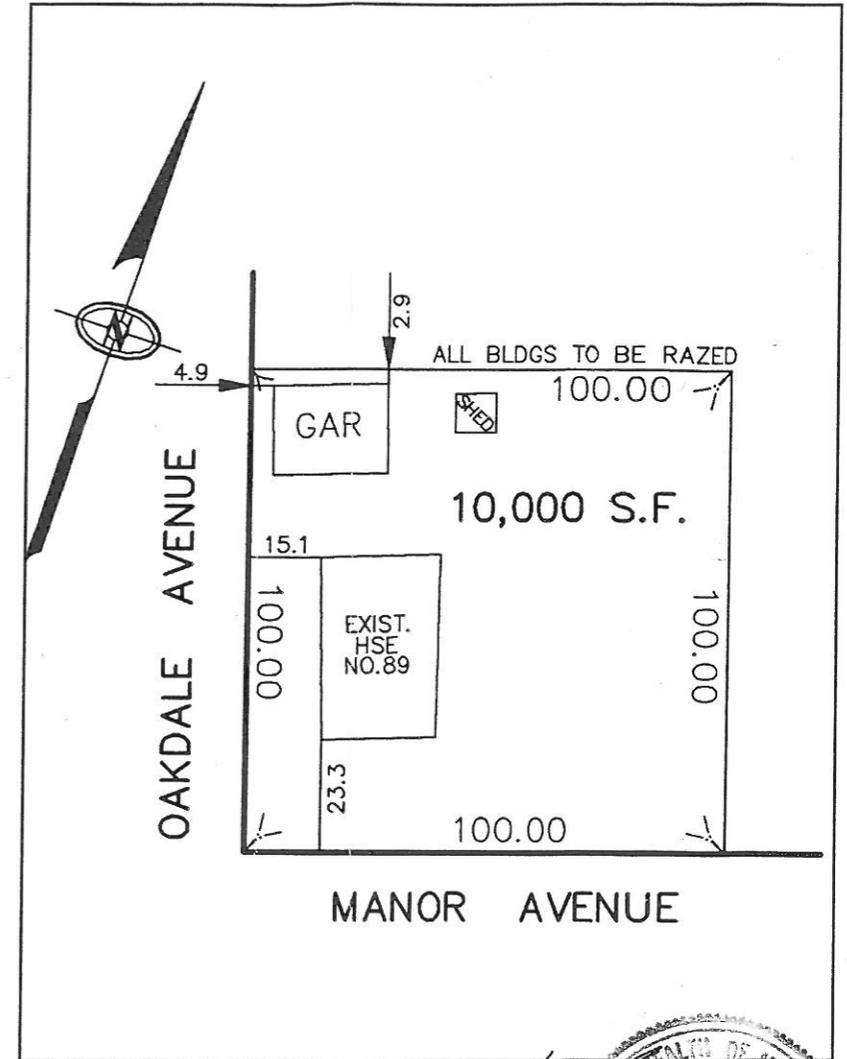
Architect _____

Builder HOME OWNER AFFIDAVIT

Permit Granted

FEB. 3 ~~xxx~~ 00

PROPOSED CONSTRUCTION
CERTIFIED PLOT PLAN



1/24/00
DATE

[Signature]
REG. LAND SURVEYOR

781-444-5936
PHONE

281 CHESTNUT ST.
NEEDHAM
ADDRESS

Permit No. 32276

APPLICATION
FOR
BUILDING PERMIT

St. and No. 89 MANOR AVENUE

Owner RICHARD EYGES

Architect HOMEOWNER AFFIDAVIT

Builder TODD SULLIVAN

Permit Granted
MARCH 9

19X00

ABUTTERS NOTIFIED FEBRUARY 28, 2000:

Evergreen Ave.:
25 - Diliberto
102 - Suffler

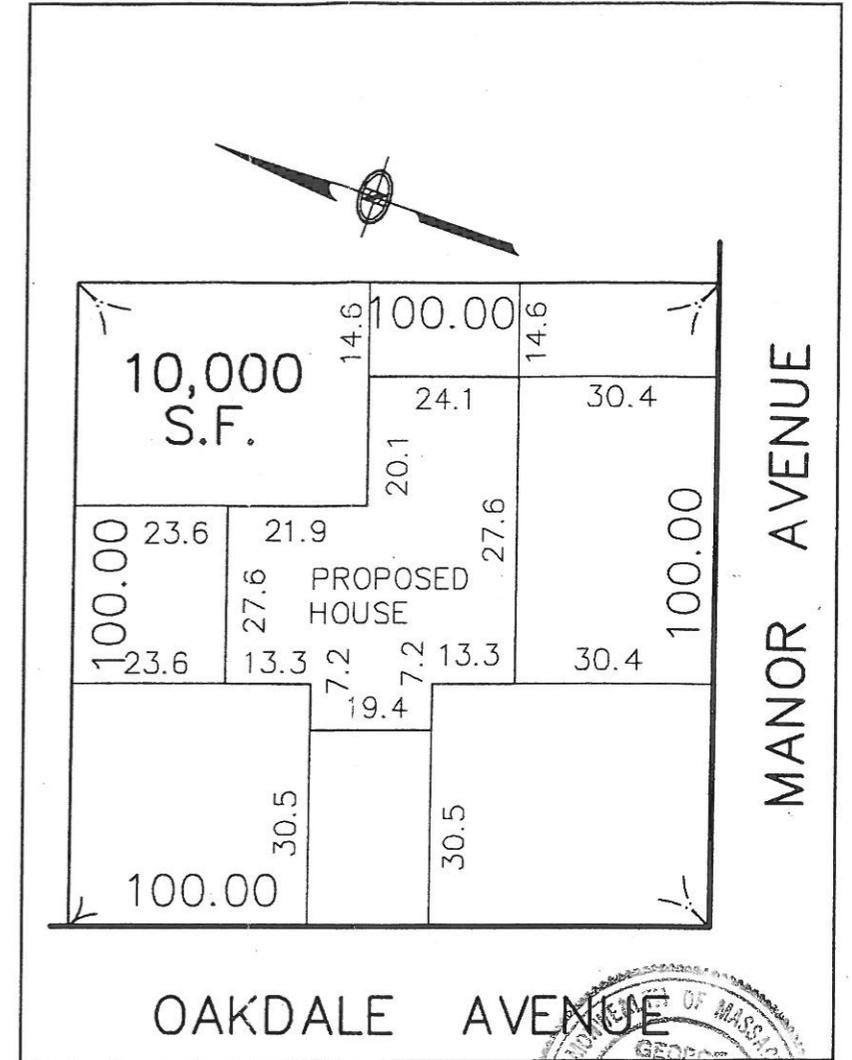
Manor Ave:
75 - Gorman
76 - Smith
79 - Simons
84 - Cristoforo Invest. Trust
85 - Gallivan
88 - Ravel
92 - Glesner
94 - Braun
95 - Sauer
97 - Rogers
98 - Gordon
99 - Lubin
102 - Furlong
103 - Schorr

Marigold Ave.:
1- Cummings
2- Shan
4- James
6- Deangelis
7- Champagne
10- Kirsten
11-Mangan

Oakdale Ave.
2- Karjian
4- Nagle
7- Hutchinson
8- Spezzano

Sunnyside Ave.
12- Gerace
16- Areano
20- Isaacs

PROPOSED CONSTRUCTION
CERTIFIED PLOT PLAN



LOT COV.=18.93%

DATE 2/4/2000

REG. LAND SURVEYOR

781-444-5936

PHONE

281 CHESTNUT ST.

ADDRESS

NEEDHAM