

**ZONING BOARD OF APPEALS**

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

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ZBA 2005-53
Petition of Robert Lee
52 Riverdale Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 7, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of ROBERT LEE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 24 foot by 24 foot two story addition with less than required left side and right side yard setbacks, on a 7,200 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 52 RIVERDALE ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 23, 2005, the petitioner 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 Robert Lee, who said that he had submitted to the Board revised plans for a 23 foot by 24 foot two story addition. Mr. Lee said that they were looking to double the size of the house. He said that they shrunk the original plan so that they would not exceed the existing right side yard setback of the house.

The Board asked what they were planning to put in the addition. Mr. Lee said that the new addition would have a kitchen, family room, half bath, and a bedroom would be enlarged.

The Board clarified that the size of the addition was changed to meet the setback. The Board said that the proposed change increased the setback to be greater than the existing nonconforming setback.

The Board said that this is an existing nonconforming house, with nonconforming setbacks on the left and right hand sides. On the first set of plans submitted, it looked like the proposal was to go deeper into the setback on the right hand side. The plans have been revised. Although the addition is nonconforming, it is not more nonconforming than the existing structure.

The Board said that the house is not quite parallel to the lot line.

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Statement of Facts

The subject property is located at 52 Riverdale Road, on a 7,200 square foot lot in a district in which the minimum lot size is 10,000 square feet, and has a minimum front yard setback of 17.9, a minimum left side yard setback of 17 feet, and a minimum right side yard setback of 16.6 feet.

The petitioner is requesting a Special Permit/Finding that construction of a 23 foot by 24 foot two story addition with less than required left side and right side yard setbacks, on a 7,200 square foot lot in a district in which the minimum lot size is 10,000 square feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 4/14/05, stamped by Ronald R. Turchi, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 7/5/05, drawn by Arthur Choo Associates, Inc., and photographs were submitted.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that although construction of a 23 foot by 24 foot two story addition with less than required left side and right side yard setbacks, on a 7,200 square foot lot in a district in which the minimum lot size is 10,000 square feet is increasing the nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a 23 foot by 24 foot two story addition.

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

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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.

Cynthia S. Hibbard, Acting Chairman

Robert A. Bastille

J. Randolph Becker

cc: Planning Board
Inspector of Buildings
lrm