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ZONING BOARD OF APPEALS

KATHARINE E. TOY
Administrative Secretary
Telephone
235-1664

Petition of Richard P. Connor

Pursuant to due notice the Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:15 p.m. on May 31, 1979, on the petition of Richard P. Connor, requesting a variance which will allow him to demolish his existing dwelling at 54 Riverdale Road, and to rebuild a dwelling on the same foundation with a side yard less than the required twenty feet and a front yard less than the required thirty feet. Said request was made under the provisions of Section XXIV-D of the Zoning By-law.

On May 14, 1979, the petitioner filed his request for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Richard P. Connor spoke in support of the request at the hearing.

The following persons appeared and spoke in opposition to the request: George M. Riedner, 52 Riverdale Road, Katherine M. Christenson, 50 Riverdale Road, and Joseph A. Fagan, 51 Riverdale Road. All felt that the lot is too small for a two-story house as they felt it would take away light and air from the abutting properties and would not be in keeping with the neighborhood.

Statement of Facts

The dwelling involved is located within a Single Residence District requiring a minimum lot area of 10,000 square feet. It was built in 1924, prior to the present area requirement, on a lot containing 7,114 square feet.

The petitioner seeks a variance which will allow him to demolish the existing house on the lot and to rebuild a two-story house on the same foundation. The house now stands in violation of the front yard and side yard set-back requirements.

The petitioner explained at the hearing that the existing house, which is a one-story building 22' x 26', contains a kitchen, living room and two bedrooms, and does not provide ample space for his family. While he does not live in the house at present, if the requested variance is granted, he will move his family and mother and father into the new house. He will need three bedrooms, however, which the proposed house is designed to provide. If built, it will have a kitchen, dining room and living room on the first floor and three rooms and bath on the second floor.

It was further explained that the existing foundation is 12" thick, poured concrete and is in excellent condition. The use of the existing foundation is a financial necessity to the petitioner, it was stated, as the cost to relocate it would be excessive. The existing landscaping could also be retained as well as the present driveway, if the

foundation can be retained. The petitioner feels that due to the shape of the lot, an addition cannot be constructed on the existing house which will provide the space required for the petitioner's family and comply with the Zoning By-law.

Decision

The Authority has made a careful study of the evidence submitted and has taken a view of the locus.

Section XXIV-D of the Zoning By-law provides that the Permit Granting Authority shall have the power, after a public hearing for which notice has been given pursuant to the applicable section of the Zoning By-law and by mailing to all parties in interest, to grant upon appeal or upon petition, with respect to particular land or structures, a variance from the terms of the Zoning By-law where the Permit Granting Authority specifically finds that:

a. "Literal enforcement of the provisions of the Zoning By-law 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 such 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:

AND

b. "Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Zoning By-law."

After making a careful study of all the evidence submitted, this Authority cannot find that the above criteria required can be established in this case, as it must before a variance can be granted.

Although the petitioner stressed the need to use the existing foundation because of the excessive cost to construct a new one, it is the opinion of this Authority that the house does not need to be demolished and rebuilt in order to provide the additional bedrooms needed for the petitioner's family.

It appears to this Authority that the additions can be made to the existing house which will provide additional rooms and comply with the set-back requirements of the Zoning By-law, or at least with a slight encroachment. It is also the belief of this Authority that if the petitioner decides to demolish the existing house and have a new one built, it should be reduced slightly in size and placed in compliance with the front and side yard set-back requirements.

It is, therefore, the unanimous opinion of this Authority that to rebuild a house on the lot as requested would prove detrimental to the public good and would substantially derogate from the intent and purpose of this

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Zoning By-law, and further that sufficient reasons do not exist for granting the requested variance.

Accordingly, the requested variance is denied.

Francis L. Swift
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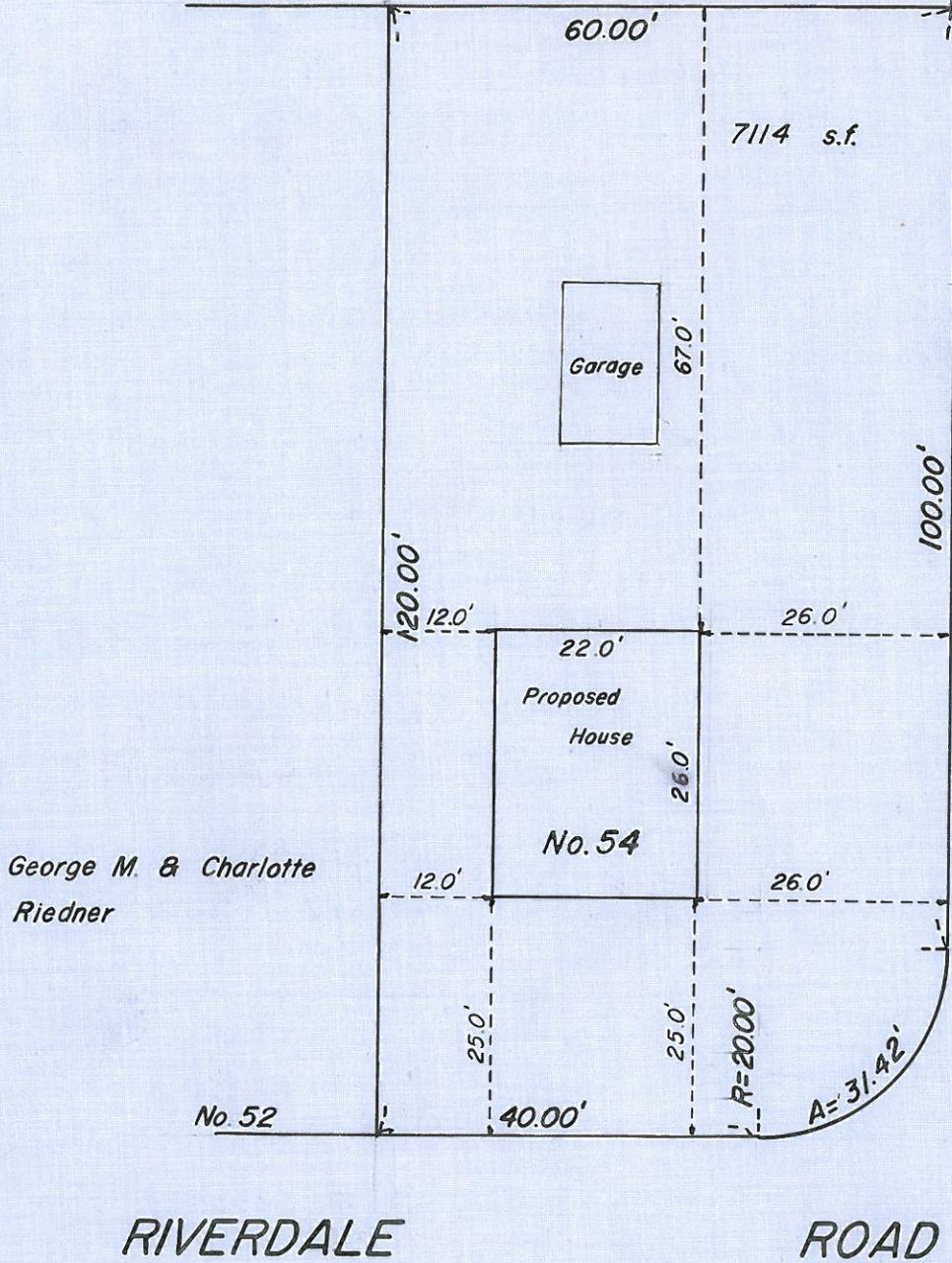
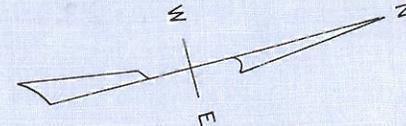
William O. Hewett
William O. Hewett

William F. Cullinane
William F. Cullinane

Filed with Town Clerk _____

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Town of Wellesley
(Water Division)



NOTE: EXISTING HOUSE TO BE REMOVED AND PROPOSED HOUSE TO BE PLACED ON ORIGINAL FOUNDATION.

PLAN OF LAND
in
WELLESLEY, MASSACHUSETTS
at
No. 54 RIVERDALE ROAD

Owned by
Richard P. Connor
November 8, 1978
Carmelo Frazetti



Proposed House
Scale: 1" = 20'
Land Surveyor