



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
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SUMNER H. BABCOCK

ZBA 87-10

Petition of Richard and Helaine Berry
40 Riverdale Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, February 5, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B), Town Hall, 525 Washington Street, Wellesley on the petition of RICHARD & HELAINE BERRY requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow the construction of a one-story addition approximately 16 feet by 19.5 feet to their non-conforming dwelling at 40 RIVERDALE ROAD to contain a family room and a deck, leaving less than the required left (southerly) side yard.

On January 16, 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 were Richard and Helaine Berry, who stated that a variance had been granted in 1981 for a similar addition. The proposed addition will come no closer to the lot line than the existing house.

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

Statement of Facts

The property in question is located at 40 Riverdale Road, containing 6,265 square feet of land. A non-conforming house exists on the lot with a left (southerly) side yard of 4.8 feet at the front corner.

A variance was granted to the Berry's in 1981 (ZBA 81-23) allowing an addition at the rear, but the addition was never constructed.

The petitioners are now requesting a variance to allow a one-story addition approximately 16 feet by 19.5 feet leaving a left side yard of 7.6 feet to contain a family room and a deck, coming no closer than 7.6 feet from the left side lot line.

A Plot Plan was presented, drawn by Philip D. Lukens, Registered Land Surveyor, of GLM Engineering Consultants, Inc., Holliston, Ma., dated July 16, 1986. Construction sketches were submitted as were photos.

The Planning Board voted on January 27, 1987 to offer no comment on the petition.

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WELLESLEY, MASS.

Petition of Richard and Helaine Berry
40 Riverdale Road

Decision

This Authority has made a careful study of the evidence presented. The particular house in question is its location on the lot does not conform to the present Zoning Bylaws. The dwelling comes to 4.8 feet from the left side lot line.

It is the opinion of this Authority that the proposed one-story addition conforms to the present lines of the house and does not alter the relationship of the house to the left side lot line.

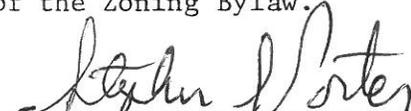
It is the opinion of this Authority that, because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable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

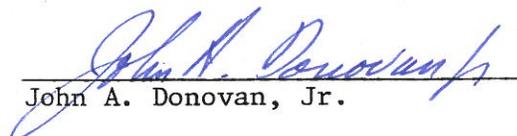
Therefore, the requested variance is granted to construct a one-story addition at 40 Riverdale Road, said addition approximately 16 feet by 19.5 feet as shown on the Plot Plan by Philip D. Lukens, Registered Land Surveyor, dated July 16, 1986, coming no closer than 7.6 feet from the left side lot line.

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

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.


Stephen S. Porter, Chairman

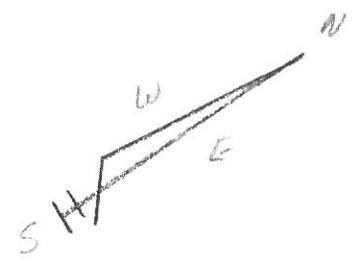
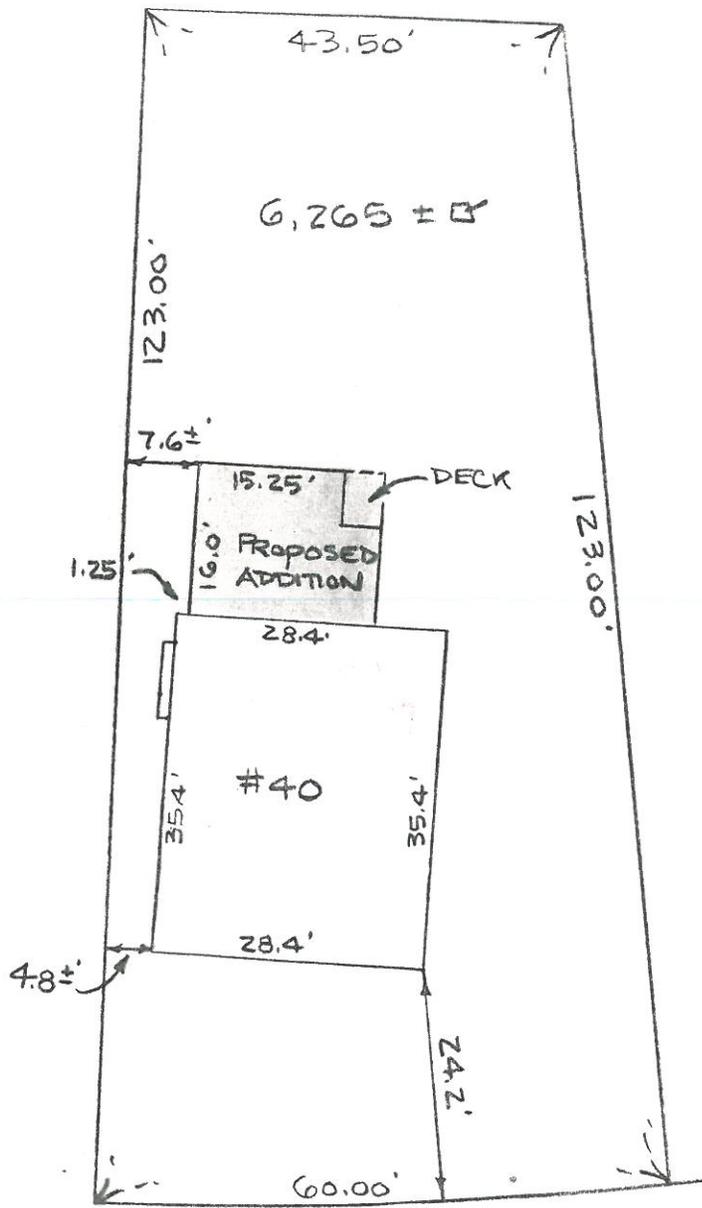

John A. Donovan, Jr.


William E. Polletta

cc: Planning Board
Inspector of Buildings

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40 RIVERDALE AVE

BERRY

I CERTIFY THAT THE BUILDINGS ON THIS PROPERTY ARE LOCATED AS SHOWN ABOVE

AND IS NOT LOCATED IN A FEDERALLY DESIGNATED FLOOD HAZARD AREA.



Philip D. Lukens
REGISTERED LAND SURVEYOR

7-16-86
DATE

PLOT PLAN OF LAND
IN
WELLESLEY, MASS.
SCALE: 1" = 20' JULY 16, 1986
GLM ENGINEERING CONSULTANTS, INC.
838 WASHINGTON STREET
HOLLISTON, MASS 429-1100