



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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431-1019

ZBA 87-59

Petition of Charles R. and Donna M. Stone
39 River Ridge

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on August 27, 1987 in the Selectmen's Meeting Room (Conference Room B), of the Town Hall, 525 Washington Street, Wellesley, on the petition of CHARLES R. AND DONNA M. STONE, requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow construction of a deck approximately 29 feet by 15 feet leaving less than the required left side yard.

On August 3, 1987, the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case was Charles R. Stone who stated that the deck would be constructed at the rear of the dwelling with no further encroachment on the left side line. Arbor vitae have been planted to provide a screen from neighbors on that side.

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

Statement of Facts

The property in question is located at 39 River Ridge in a Single Residence District containing 10,962 square feet of land. A non-conforming dwelling exists on the property with a left side yard of 6 feet 10 inches. The petitioner proposes to build a deck at the rear of the dwelling approximately 29 feet by 15 feet, leaving a left side yard of 6 feet 10 inches.

A Plot Plan was presented, drawn by James Wiley, Registered Professional Engineer, dated July 2, 1987. A construction sketch was included on the application form.

The Planning Board, at its regular meeting of August 11, 1987, as stated in a letter of August 12, 1987, voted to offer no objection to the request.

Decision

This Authority has made a careful study of the evidence presented. The particular house in question in its location on the lot does not conform to the present Zoning Bylaws. The dwelling comes to 6 feet 10 inches from the left side lot line.

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

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Petition of Charles R. and Donna M. Stone
39 River Ridge

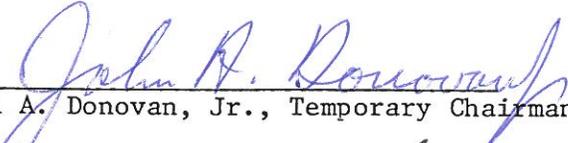
It is the opinion of this Authority that because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners. It is the further opinion of this Authority that desirable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

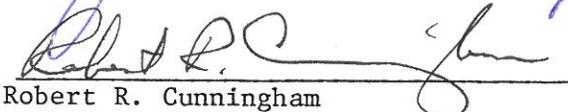
Therefore, the requested variance is granted to construct a deck at 39 River Ridge, said addition approximately 29 feet by 15 feet, as shown in the Plot Plan by James Wiley, Registered Professional Engineer, dated July 2, 1987, coming no closer than 6 feet 10 inches from the left side lot line.

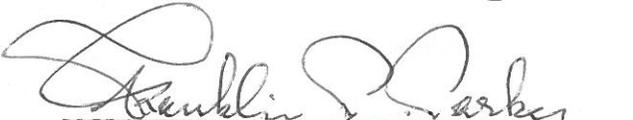
The Inspector of Buildings is hereby authorized to issue a permit for construction upon his receipt and approval of a building application and construction plans.

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 reestablished 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 OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.


John A. Donovan, Jr., Temporary Chairman


Robert R. Cunningham


Franklin P. Parker

cc: Planning Board
Inspector of Buildings

SEP 11 3 32 PM '87

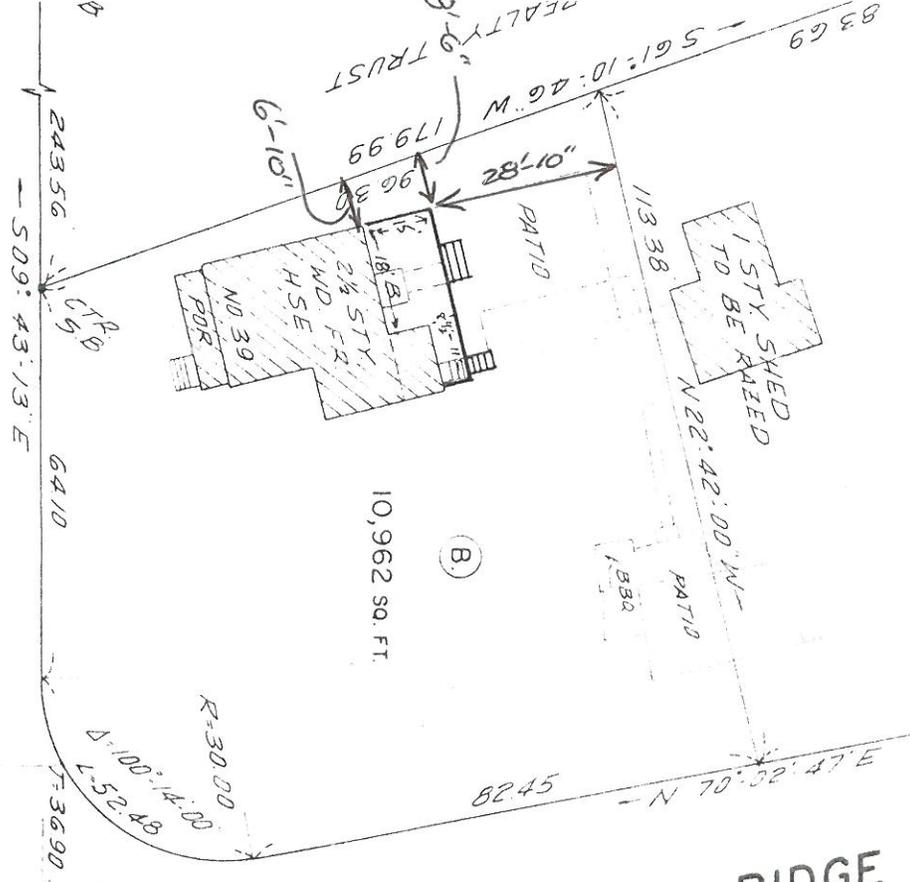
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AUG 3 10 46 AM '87

"APPROVAL UNDER THE SUBDIVISION CONTROL
LAW NOT REQUIRED."

WELLESLEY PLANNING BOARD
DATE _____



RIVER RIDGE

RIVER RIDGE

PLAN OF LAND
IN

WELLESLEY, MASS.

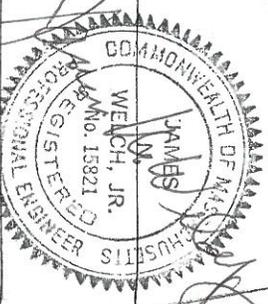
OWNER: CHARLES RICHARD & DONNA MARIE STONE
SCALE 1 IN. = 20 FT. MAY 7, 1986

BARNES ENGINEERING COMPANY, INC.
411 LEXINGTON STREET AUBURNDALE, MASS.



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN
CONFORMANCE WITH THE RULES AND REGULATIONS
OF THE REGISTERS OF DEEDS.

DATE May 7, 1986



July 2, 1987