

ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181JOHN A. DONOVAN, JR., Chairman  
ROBERT R. CUNNINGHAM  
KENDALL P. BATESELLEN D. GORDON  
Executive Secretary  
Telephone  
431-1019WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCKRECEIVED  
TOWN CLERK'S OFFICE  
WELLESLEY, MA 02181  
MAR 31 9 21 AM '89ZBA 89-14  
Petition of Sheldon and Denisa Wagner  
21 Richland Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, March 23, 1989 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley on the petition of SHELDON AND DENISA WAGNER requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow construction of a one-story addition approximately 20 feet 6 inches by 16 feet to their non-conforming dwelling at 21 RICHLAND ROAD, in a Single Residence District; said dwelling having less than the required right side yard.

On March 3, 1989, the petitioners 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 Sheldon and Denisa Wagner. Mr. Wagner said that the addition would extend the existing line of the house, but due to the angle of the property line, there would be a slight additional encroachment. The addition would be constructed over an existing concrete slab. Mr. Wagner said that in order for the addition to conform, it would have to be moved 1 foot to the left. This would be difficult as the construction is constrained by the existing kitchen. The proposed room would then be very narrow, and the center line of the cathedral ceiling would be displaced.

Mr. Wagner said that the neighbors had no objection, and that a letter in favor of the request had been submitted by Mr. and Mrs. William Pasnau, 17 Richland Road, the abutters most directly affected.

Mr. Wagner then requested that he be allowed to submit a new plot plan and new construction plans showing an increase of 1.5 feet in the length of the addition. The encroachment on the right side yard would remain the same.

The Board suggested that a 19 foot setback be maintained at all points of the addition which could be done by moving the addition 8 inches to the left. In this way, there would be no additional encroachment on the right side. Although the addition would have a slight jog, the width of the room would remain the same. The Board said that unless there were convincing reasons presented, the general policy of the Board was not to allow further encroachment.

Mrs. Wagner said that if the addition had to be moved 8 inches, they would do it.

No other person present had any comment on the petition.

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### Statement of Facts

The non-conforming dwelling is located at 21 Richland Road, in a Single Residence District, on a 10,195 square foot lot with a minimum right side yard clearance of 19 feet.

The petitioners are requesting a variance for a one-story addition approximately 17 feet 6 inches by 20 feet 6 inches which would leave a minimum right side yard clearance of 18.4 feet.

A Plot Plan, dated February 8, 1989, revised March 23, 1989, drawn by John P. Hurney, Registered Land Surveyor; unsigned and undated construction plans; and photographs were submitted.

The Planning Board, on March 7, 1989, voted to recommend that the variance request be denied as it appears the addition could be made to conform to the side yard requirements.

### Decision

This Authority has made a careful study of the evidence presented. The subject house does not conform to the present Zoning Bylaws as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed one-story addition conforms to the present lines of the house, but does alter the relationship of the house to the right side lot line.

It is the further 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 would involve a substantial hardship to the petitioner and 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 21 Richland Road, said addition to be approximately 17 feet 6 inches by 20 feet 6 inches subject to the following conditions:

1. That said addition maintain a 19 foot setback from the right side lot line at all points;
2. That a revised Plot Plan reflecting this condition be submitted to the office of the Board of Appeals prior to the issuance of a building permit.

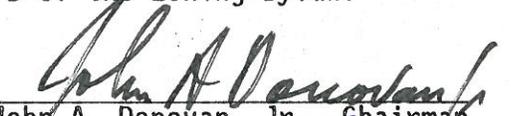
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans and upon notification by the Board of Appeals office that the above conditions have been fulfilled.

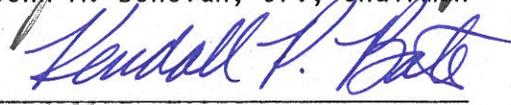
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If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

cc: Planning Board  
Inspector of Buildings  
edg

  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

  
William E. Polletta

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LOT DESIGNATIONS REFER TO  
 PLAN BOOK 154 PAGE 1236  
 RECORDED: NORFOLK  
 REGISTRY OF DEEDS  
 PLAN BY: GLEASON ENGINEERING COMPANY  
 DATED: SEPT. 15, 1948

NEIL D. & ADRIENNE  
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FRANCES P. CITY

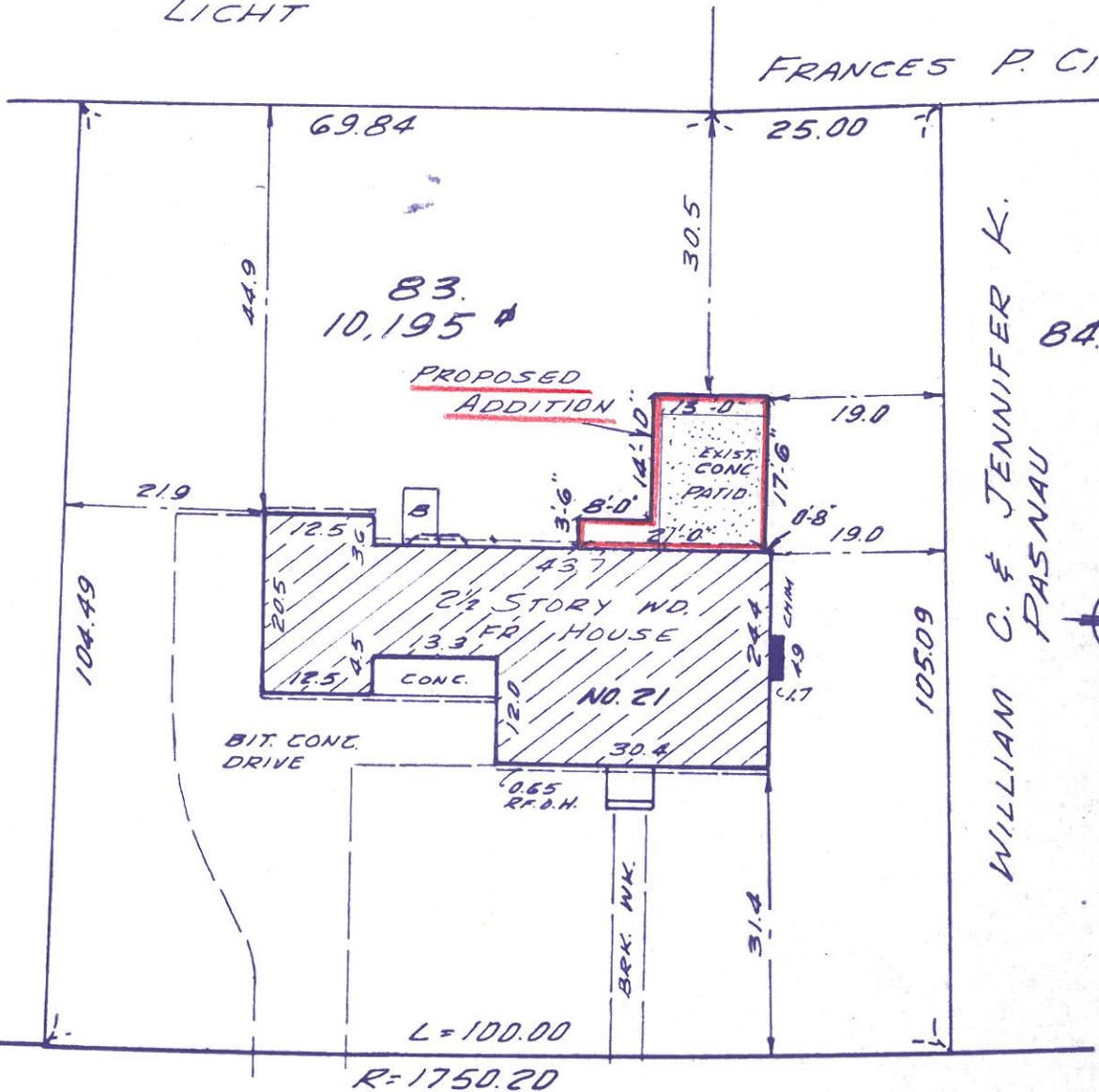
82

83.  
 10,195

84.

ARTHUR F. BROWN

WILLIAM C. & JENNIFER K.  
 PASNAU



RICHLAND ROAD

\* PLAN REVISED: MAR. 23, 1989  
 PLAN REVISED: MAR. 28, 1989

SINGLE RESIDENCE "10" ZONE

I CERTIFY THAT THIS BUILDING  
 IS LOCATED AS SHOWN.



*John P. Hurney*  
 REGISTERED LAND SURVEYOR #8743

PLOT PLAN OF PROPERTY IN  
**WELLESLEY, MASS.**

BELONGING TO  
 SHELDON H. & DENISA D. WAGNER

SCALE: 1 IN. = 20 FT.

FEBRUARY 8, 1989\*

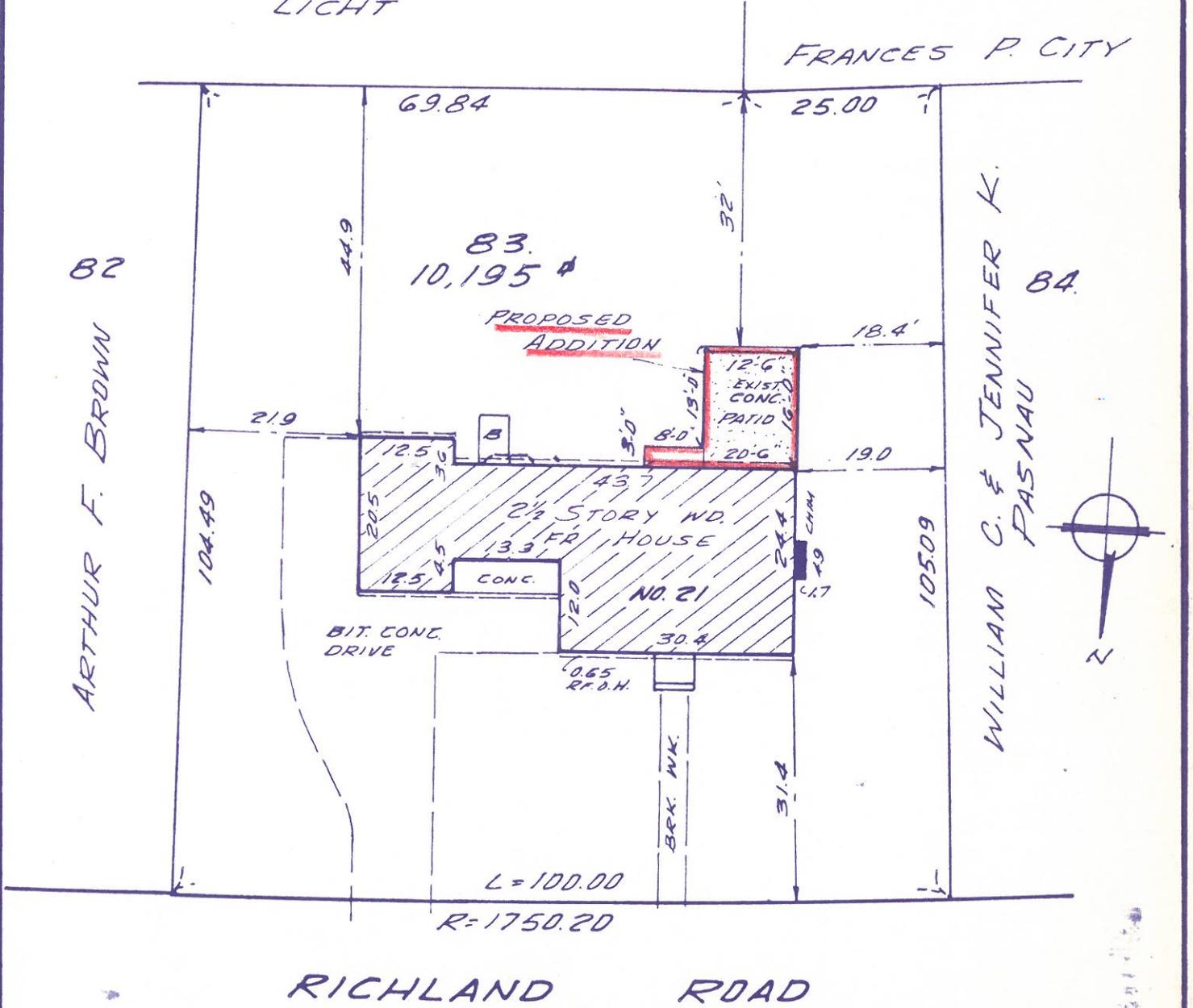
BARNES ENGINEERING COMPANY, INC.  
 411 LEXINGTON STREET  
 AUBURNDALE - MASS.

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