TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 89-45
Petition of Douglas D. Rohall
54 Riverdale Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, August 24, 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 DOUGLAS D. ROHALL requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow the following additions to his non-conforming dwelling and garage at 54 RIVERDALE ROAD AND BOULEVARD ROAD, in a Single Residence District: 1) renovation and expansion of an existing unattached garage to new dimensions of approximately 18.5 feet by 22.2 feet with less than the required left side yard; 2) addition of approximately 3 feet by 11.8 feet to an existing deck with less than the required front setback from Boulevard Road; 3) addition of a platform approximately 4 feet by 7.7 feet at the left rear of the dwelling with less than the required left side yard.

On August 4, 1989, the petitioner requested a hearing before this Board and thereafter due notice was given by mailing and publication.

Presenting the case at the hearing was Douglas Rohall, who said that he was requesting a variance with three components, the primary one being the renovation of a new garage over the existing facilities. The renovation will not involve any further encroachment, but will extend the existing line of the current garage on the left side. The garage will be reoriented 90 degrees toward Boulevard Road from the present orientation on Riverdale Road and will be expanded from a one-car to a two-car garage.

Mr. Rohall characterized the other two components of the variance as minor modifications: a small addition to the deck and a slight addition to the back of the house. Neither addition would encroach further and both would follow the existing lines of the house.

The Board questioned whether, if the existing garage were demolished, the new garage could be built so that it would be conforming. Mr. Rohall responded that the garage width could only be 9 feet if it were to conform with the side line setback.

Mr. Rohall stated that he is hoping to remove the existing 70 foot driveway from Riverdale Road running along the left side of the property and grass this area. The new driveway will exit onto Boulevard Road and will be about 30 feet. No curb cuts are needed as no curb exists on Boulevard Road.

Ralph Gaudette, 2 Intervale Road, voiced support for the petition. No other persons present had any comment on the request.

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Statement of Facts

The non-conforming dwelling is located at 54 Riverdale Road and Boulevard Road, in a Single Residence District, on a 7,114 square foot lot, with a minimum front yard setback of 24.9 feet from Boulevard Road, a minimum front yard setback of 16.8 feet from Riverdale Road and a minimum left side yard clearance of 11.8 feet from the dwelling and 9.4 feet from the rear corner of the existing garage.

In November, 1987, Mr. Rohall requested and was granted a variance (ZBA 87-94) for two additions, one on the left rear side of the dwelling and one on the right rear side of the dwelling.

The petitioner is presently requesting a variance for the following: 1) to expand and renovate an existing unattached garage with new dimensions of approximately 18.5 feet by 22.2 feet with a minimum left side yard clearance of 9.8 feet at the front corner and 9.4 feet at the rear corner of said garage; an addition approximately 3 feet by 11.8 feet to an existing deck which will leave a minimum front setback of 24.8 feet from Boulevard Road; and addition of a platform approximately 4 feet by 7.7 feet with a minimum left side yard clearance of 15.5 feet at the left rear of the dwelling.

A Plot Plan dated October 23, 1987, revised August 1, 1989, drawn by Paul J. Sawtelle, Registered Land Surveyor; Construction plans and elevations dated August 1, 1989, drawn by C. E. Craig; and photographs were submitted.

The Planning Board, on August 8, 1989, voted to offer no objections to the additions to the dwelling, but opposed the garage variance in that it is effectively being constructed as a new building and should conform to the setback requirements insofar as possible.

Decision

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

It is the opinion of this Authority that the renovation and expansion of the garage conforms to the present lines of the existing garage and does not alter the relationship of the garage to the left side lot line.

It is the opinion of this Authority that the addition to the existing deck on the right rear side of the dwelling and the addition of a platform at the left rear corner of the dwelling also conform to the relevant present lines of the existing dwelling. The relationship of said dwelling to the left side lot line is not altered and the encroachment of the deck addition of one inch on the front setback from Boulevard Road is de minimus.

It is the further opinion of this Authority that because of the shape of the lot and the location of the garage and the dwelling on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw 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 renovate and expand the existing garage, to construct the addition to the deck and to construct the platform addition subject to construction in accordance with the plot plan and construction plans as as submitted and noted in the foregoing Statement of Facts.

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.

John A. Donovan, Jr., Chairman

Kendall P. Bates

Robert R. Cunningham

cc: Planning Board
Inspector of Buildings
edg

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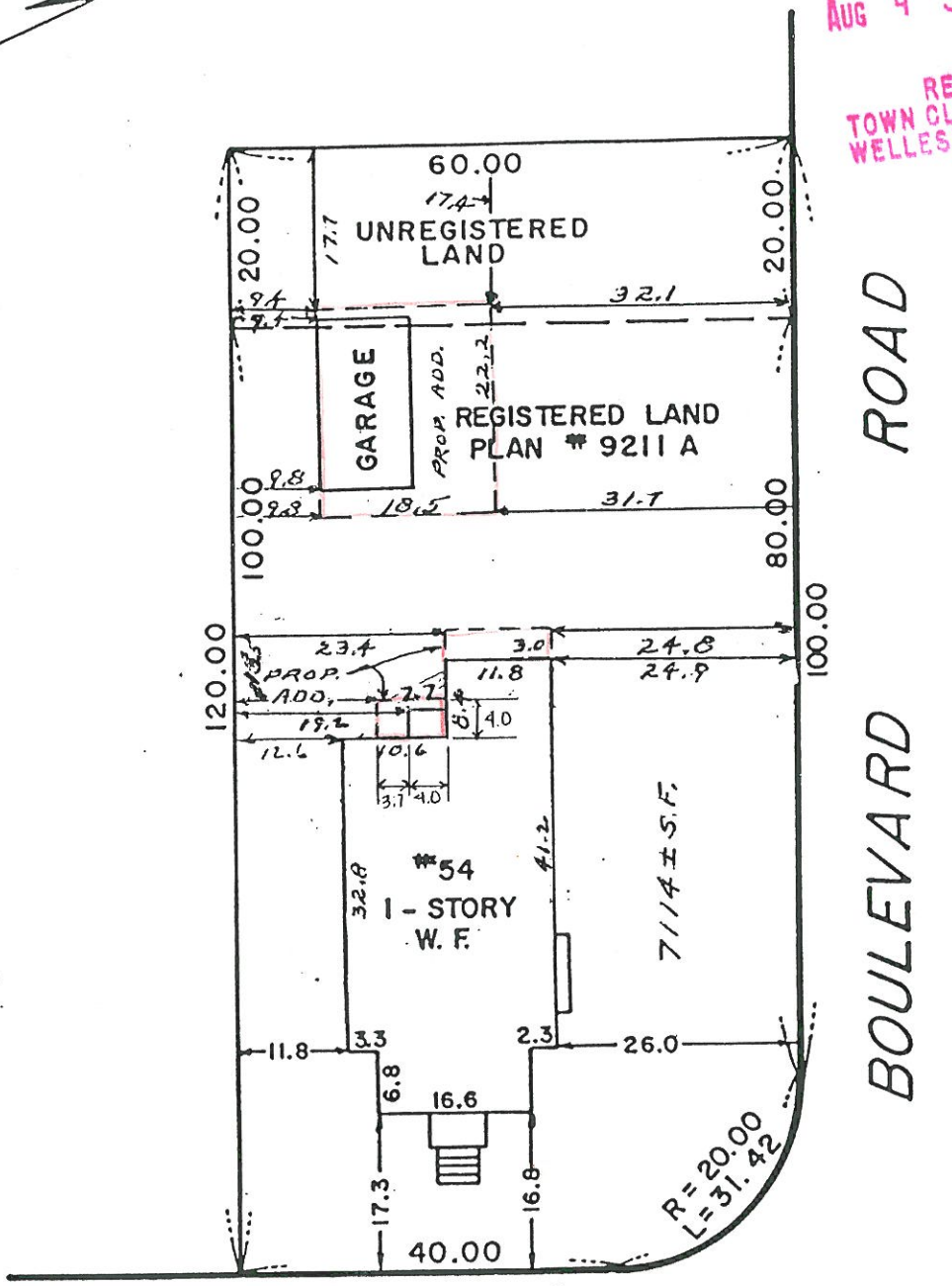

RIVERDALE ROAD

PLAN OF LAND
IN

WELLESLEY, MASS.

COMMONWEALTH OF MASSACHUSETTS
PAUL J. SAWTELLE #9747 REGISTERED LAND SURVEYOR

Paul Sawtelle

SCALE : 1" = 20'
MASS BAY SURVEY INC.

OCT. 23, 1987
NEWTON, MASS.
PROPOSED ADDITIONS 8-1-89