

ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATESELLEN D. GORDON
Executive Secretary
Telephone
431-1019

Nov 7 9 05 AM '89

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181ZBA 89-57
Petition of Collingwood S. Karmody
75 Russell Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, October 26, 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 COLLINGWOOD S. KARMODY requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow the construction of the following: 1) raise the ridge line of the roof approximately 5 feet to accommodate a second floor addition with less than the required left and right side yards; 2) a second floor balcony approximately 8 feet by 4 feet at the rear of the dwelling with less than the required left and right side yards; 3) a deck approximately 12 feet by 18 feet at the rear of the dwelling with less than the required left and right side yards; 4) a plant window approximately 3 feet by 3 feet with less than the required right side yard; and 5) a bay window 8 feet 2 inches by 5 feet 2 inches with less than the required right side yard at his non-conforming dwelling at 75 RUSSELL ROAD, in a Single Residence District, with less than the required left and right side yard setbacks.

On October 10, 1989, 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 was Collingwood S. Karmody, who said that the house presently has one large and one small bedroom, and he would like to add more bedroom space. Due to the lot size of 4,200 square feet, the only place to expand is upward. The deck and the balcony would extend outward toward Moses Pond.

In response to questions from the Board, Dr. Karmody said that the ground level is 30 feet above the edge of the water. There are two existing retaining walls. The footings for the deck will be built within one of the retaining walls. There would be no further encroachment on the left side yard.

No other persons present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 75 Russell Road, in a Single Residence District, on a 4,210 square foot lot with a minimum left side yard clearance of 4.3 feet, a minimum right side yard clearance of 10.1 feet, and a front setback of 10 feet.

ZBA 89-57
Petition of Collingwood S. Karmody
75 Russell Road

Nov 7 9 05 AM '89

The petitioner is requesting a variance for the following: 1) raise the ridge line of the roof approximately 5 feet to accommodate a second floor addition approximately 18 feet by 32 feet with a minimum left side setback of 9.9 feet at the left front corner and a minimum right side setback of 10.1 feet at the right front corner; 2) a second floor balcony approximately 8 feet by 4 feet with a minimum left side setback of 14.1 feet and a minimum right side setback of 15.4 feet; 3) a deck approximately 12 feet by 18 feet with a minimum left side setback of 9.3 feet and a minimum right side setback of 10.7 feet at the house line and 10.9 feet at the rear right corner; 4) a plant window approximately 3 feet by 3 feet with a minimum right side setback of 9.0 feet; and 5) a bay window approximately 8 feet 2 inches by 5 feet 2 inches with a minimum right side setback of 9.1 feet. The total ground coverage of the lot, including the proposed additions, would be 21%.

A Plot Plan, dated September 27, 1989, revised October 8, 1989, revised October 10, 1989, drawn by John B. Paulson, Registered Land Surveyor; unsigned and undated construction drawings and elevations; and photographs were submitted.

A letter in support of the petition was received from Joseph and Irene Zolli, 73 Russell Road.

A Negative Determination of Applicability with Conditions was issued on October 13, 1989 by the Wetlands Protection Committee.

The Planning Board, on October 17, 1989, voted to oppose the granting of the variance based on the fact that the project involves enlarging a cottage style house, dramatically increasing the bulk of the building on the lot.

Decision

This Authority has made a careful study of the evidence submitted. 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 proposed construction involving raising the ridge line of the roof approximately 5 feet, the addition of the second story, the balcony, and the deck conform to the present lines of the house and do not alter the relationship of the house to the left side lot line with the exception of the .6 foot encroachment of the deck on the left side lot line, which is de minimus and can be allowed. The foregoing additions do not alter the relationship of the house to the right side lot line. The addition of the bay window and the plant window on the right side involve encroachments of 1 foot and 1.1 feet respectively, and are not severe enough to be disallowed.

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 and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

ZBA 89-57
Petition of Collingwood S. Karmody
75 Russell Road

Therefore, the requested variance is granted subject to construction in accordance with the Plot Plan and construction drawings as submitted and detailed in the foregoing Statement of Facts, and subject to conformance with the Conditions stated in the Negative Determination of Applicability issued by the Wetlands Protection Committee on October 13, 1989.

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 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
Wetlands Protection Committee
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
Nov 7 9 05 AM '89

OCT 17 2 45 PM '89

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

% OF LOT COVERAGE

EXISTING = 15%

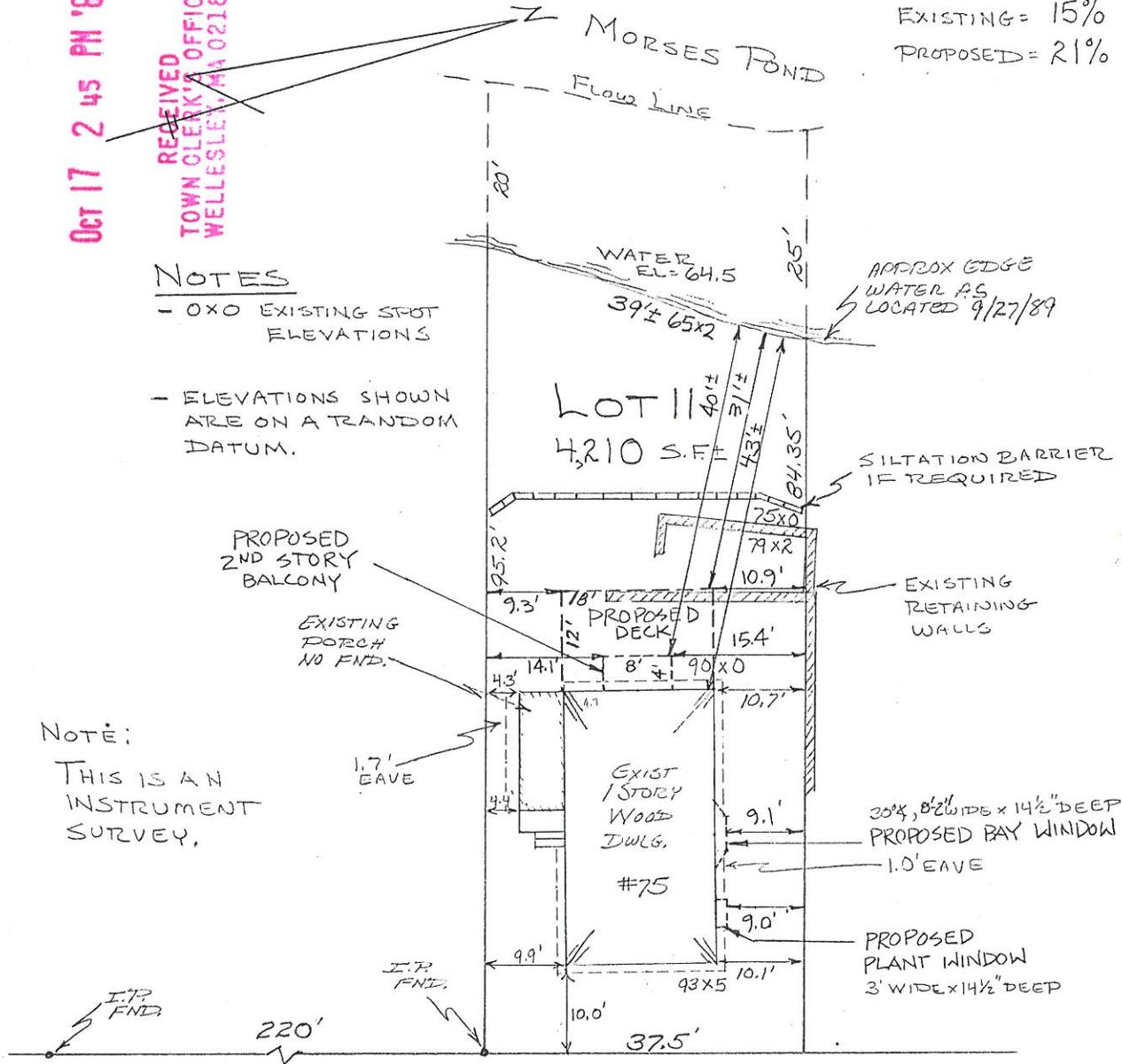
PROPOSED = 21%

NOTES

- OXO EXISTING SPOT ELEVATIONS
- ELEVATIONS SHOWN ARE ON A RANDOM DATUM.

NOTE:

THIS IS AN INSTRUMENT SURVEY.



RUSSELL ROAD

PLAN OF LAND
IN
WELLESLEY, MA.

ATLANTIC ENGINEERING &
SURVEY CONSULTANTS INC.

ONE EAST MAIN STREET
GEORGETOWN, MASS.

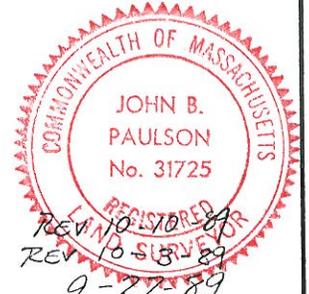
JOB NO: 8909-07

DATE: 9 / 27 / 89

SCALE: 1" = 20'

THE SETBACK DISTANCES SHOWN HEREON ARE TO INDICATE THE LOCATIONS OF PROPOSED AND/OR EXISTING STRUCTURES AND ARE NOT INTENDED FOR USE BY THE CLIENT OR THEIR ASSIGNS FOR THE PURPOSE OF ESTABLISHING LINES FOR FENCES, SHRUBS ETC...

ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, I CERTIFY THAT THE INDICATED STRUCTURES ARE LOCATED AS SHOWN, AND THAT THE SETBACK DISTANCES SHOWN HEREON WERE THOSE RECORDED AT THE SITE.



9-27-89

ZBA 89 - 51