



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
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KENDALL P. BATES

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ZBA 90-23
Petition of Stephen and Marie Brown
20 Riverdale Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, April 26, 1990 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 STEPHEN AND MARIE BROWN requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow the raising of the ridge line of their garage roof approximately 8 feet 4 inches to accommodate a second-story addition, approximately 16.7 feet by 21.6 feet above an existing garage at their non-conforming dwelling at 20 RIVERDALE ROAD, in a Single Residence District, with less than the required right side yard.

On April 9, 1990, 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 was William Delaney of Integrity Development Corporation, contractors for the project. Mr. Delaney said that in September, 1979, a variance had been granted to a previous owner for the construction of the existing garage with an encroachment of 1.3 feet on the right side yard setback. He stated that the plan is to raise the ridge line of the garage roof 8.4 feet to build a second story addition. There will be no further encroachment on the right side yard, as the existing foundation of the garage will be used.

Jerry Kamitses, 24 Riverdale Road, voiced support for the variance request.

Statement of Facts

The non-conforming dwelling, which was built in 1916, is located at 20 Riverdale Road, in a Single Residence District, on an 11,392 square foot lot, with less than the required right side yard.

In August, 1979, the previous owners, Matthew and Jamie Rubin, applied for and were granted a variance to construct a one-car garage which left a minimum right side yard clearance of 18.72 from the front corner of the garage (ZBA 79-32).

The petitioners are now requesting a variance to raise the ridge line of said garage roof approximately 8.4 feet to construct a second-story addition approximately 16.7 feet by 21.6 feet above the garage with the same minimum right side yard clearance of 18.72 from the front corner.

A Plot Plan dated April 2, 1990, drawn by Jean Nysten, Registered Professional Land Surveyor; construction drawings and elevations, dated March 14, 1990, drawn by L.Ferranto; and photographs were submitted.

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The Planning Board, on April 10, 1990, voted to offer no objection to the variance request.

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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 proposed second-story addition conforms to the present lines of the house and does not alter the relationship of the house to the right side lot line.

It is the opinion of this Authority that, because of the topography and 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 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 subject to construction in conformance with the Plot Plan and construction drawings 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


Sumner H. Babcock

cc: Planning Board
Inspector of Buildings
edg


William E. Polletta

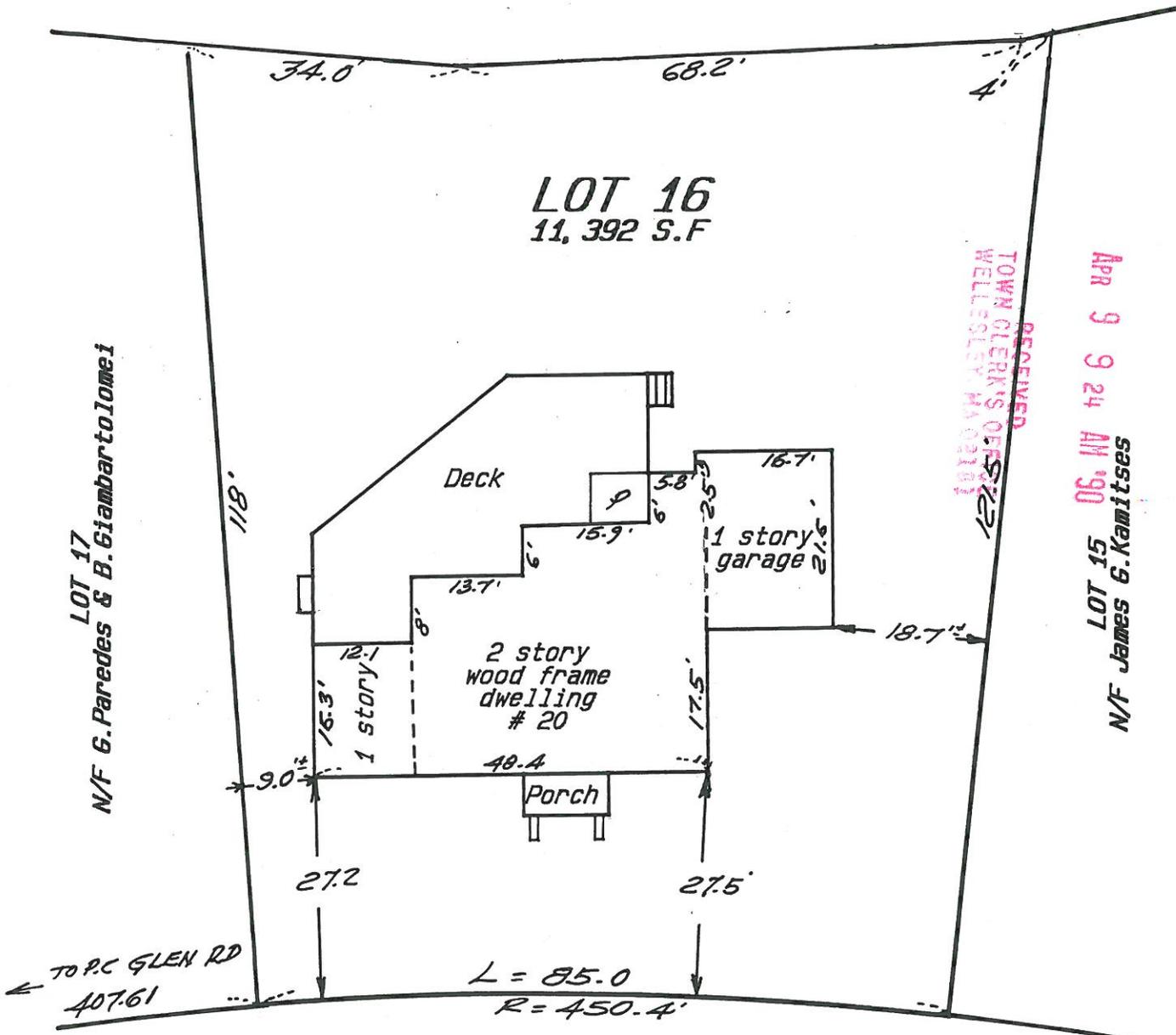
N/F Theda S.Kuniholm

LOT 16
11,392 S.F

LOT 17
N/F G.Paredes & B.Giambartolomei

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5/22/90

APR 9 9 24 AM '90
N/F James G.Kamitses
51 LOT



RIVERDALE ROAD

**PLOT PLAN OF LOT 16
WELLESLEY, MASS
TO ACCOMPANY PETITION OF
STEPHEN & MARIE BROWN**

SCALE: 1 inch = 20 Feet

DATE: April 2, 1990



NEA / NYSTEN ENGINEERING ASSOCIATES INC.

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