



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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MAY 11 8 47 AM '90
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TOWN OFFICE
02181

ZBA 90-24
Petition of Carl A. Kuniholm
27 River Glen 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 CARL A. KUNIHOLM requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow a 2 foot extension and enclosure of an existing exterior stairwell foundation for the purpose of constructing a greenhouse, approximately 4 feet 4 inches by 15 feet 6 inches at his non-conforming dwelling at 27 RIVER GLEN ROAD, in a Single Residence District, with less than the required left side yard. Said enclosure would leave less than the required right side yard.

On April 9, 1990, 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 Edward Bartzak, contractor for the project, who said that the existing stairwell, which leads to the basement, has an 8 inch poured wall around the stairwell. The enclosure would be 18.8 feet from the right side line. The stairwell would be extended about 2 feet in order to accommodate a standard greenhouse structure. He stated that Mr. Kuniholm owns two lots at the rear of the subject property.

In response to questions from the Board, Mr. Bartzak said that the existing stairs would be eliminated, leaving an internal staircase from the basement to the kitchen as the means of egress. There is a pool room and a laundry in the basement.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling, built in 1954, is located at 27 River Glen Road, in a Single Residence District, on a 10,000 square foot lot with a minimum left side yard clearance of 15.7 feet and a conforming right side yard of 21.8 feet.

The petitioner is requesting a variance to extend by 2 feet and enclose an existing exterior stairwell, approximately 4 feet 4 inches by 15 feet 6 inches, in order to erect a greenhouse on the stairwell foundation. The construction of the proposed greenhouse would create a non-conforming right side yard of 18.5 feet from the right side lot line where a conforming right side yard of 21.8 feet currently exists.

A Plot Plan dated March 30, 1990, drawn by Schofield Brothers, Inc., Registered Professional Land Surveyors; construction drawings and elevations; and photographs were submitted.

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The Planning Board, on April 10, 1990, voted to offer no comment on the petition.

Decision

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This Authority has made a careful study of the evidence presented.

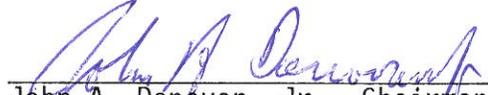
Variances may only be granted by the Permit Granting Authority once they have found any or all of the following (Section XXIV-D 1. as quoted from the Zoning Bylaw):

- "1. ...
 - a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to: i) soil conditions, ii) shape, or iii) topography of such land or structures, especially affecting such land or structures, but not generally affecting the zoning district in which it is located; and the hardship shall not have been self-created; and
 - b. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw."

This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D of the Zoning Bylaw. It is the further opinion of this Authority that to allow a presently conforming right side yard to become non-conforming would substantially derogate from the intent and purpose of the Zoning Bylaw.

Therefore, it is the unanimous opinion of this Authority that this request for a variance be denied, and this petition is dismissed.

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

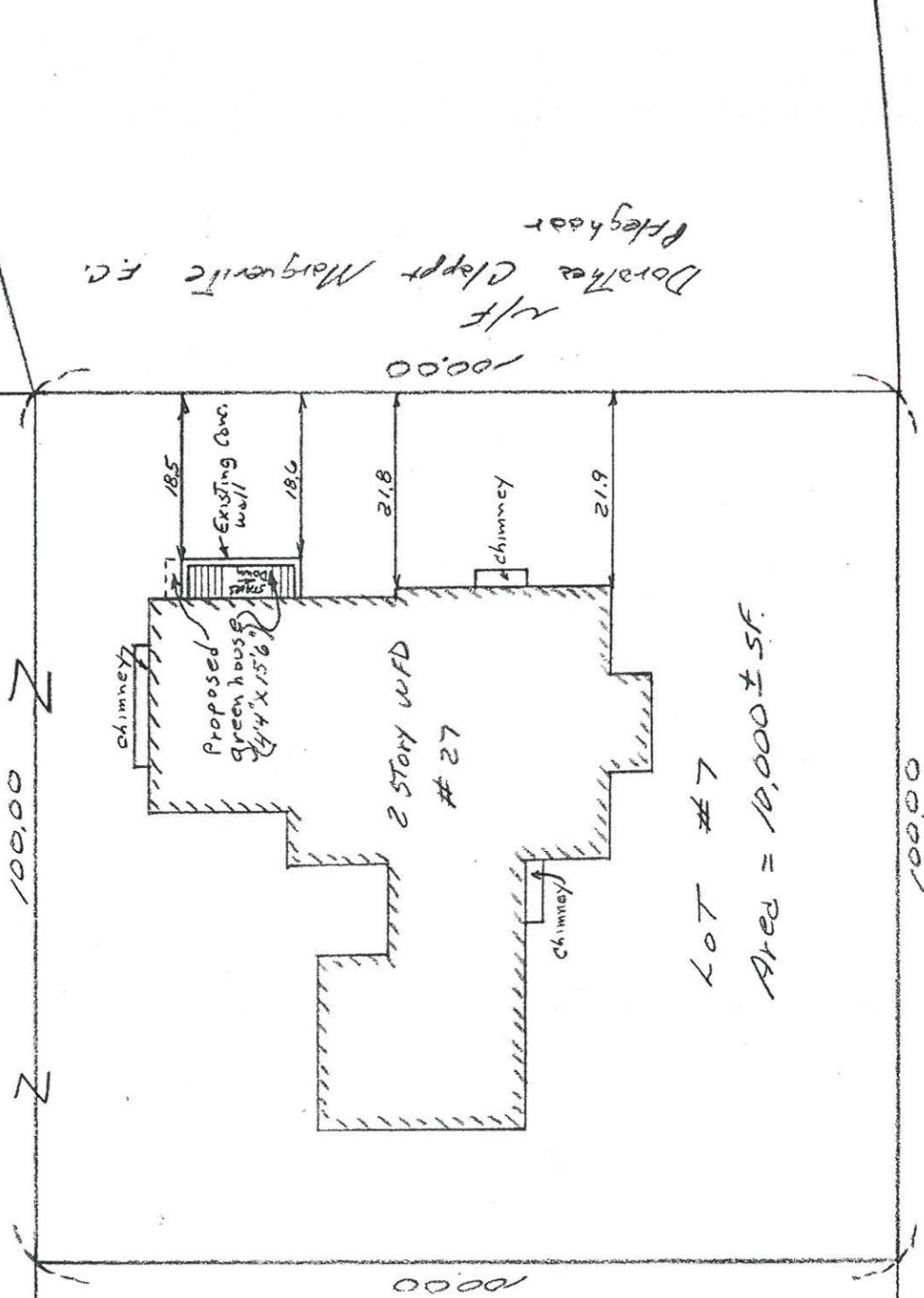

William E. Polletta

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M/F
Theda S Kuniholm
LOT 7A

M/F
Edward L + Dorothy G Foley



LOT #7
Area = 10,000 ± SF.

Riverglen

Road

M/F
Dorothy Clapp Marguerite E.C.
Pheghear

ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, I CERTIFY TO Carl A Kuniholm and The Wellesley Building Inspector THAT AS A RESULT OF A SURVEY MADE ON THE GROUND TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN MASSACHUSETTS, I FIND THAT THE dwelling FALLS WITHIN ZONE "C" AS SHOWN ON F.I.R.M. MAP FOR Wellesley, MASSACHUSETTS. COMMUNITY PANEL NO. 250255 0008, DATED SEPT. 5, 1979. I CERTIFY THE DWELLING IS LOCATED ON THE LOT AS SHOWN HEREON.

PROFESSIONAL LAND SURVEYOR DATE

" PLOT OF LAND IN PLAN "

WELLESLEY MASS
SCALE: 1" = 20' MARCH 30 1990
PREPARED FOR: Carl A Kuniholm
SCHOFIELD BROTHERS, INC.;
PROFESSIONAL ENGINEERS
PROFESSIONAL LAND SURVEYORS
1071 WORCESTER ROAD,
FRAMINGHAM, MASSACHUSETTS 01701

DEED RECORDED AT *Norfolk registry of deeds*
REGISTRY OF DEEDS; BOOK 3284, PAGE 62
PLAN NO. 924 OF 1972
ASSESSOR'S MAP 51, BLOCK --, LOT 29
ZONING CLASSIFICATION: *Single residence*