



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181.

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

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Executive Secretary
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431-1019

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ZBA 90-51
Petition of Ronald Karjian
2 Oakdale Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, June 28, 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 RONALD KARJIAN requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw for the following construction at his non-conforming dwelling at 2 OAKDALE AVENUE, in a Single Residence District, with less than the required left side yard: 1) removal of an existing rear portion of the dwelling approximately 22.5 feet by 28 feet and construction of a two-story addition approximately 29.75 feet by 29 feet with an extension of the second-story over the existing house approximately 12 feet by 27.5 feet with less than the required left side yard; 2) construction of a second-story deck approximately 13.8 feet by 24.2 feet with less than the required left side yard; and 3) construction of a front porch approximately 24.2 feet by 8 feet with less than the required left side yard and exceeding the allowed area of 50 square feet.

On June 11, 1990, the petitioner filed a request for 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 Ronald Karjian, who said that he wanted to add a second story to the existing first story which was built before current zoning. The lot is very narrow; about 60 feet wide. A variance was granted for an addition at the front of the house in 1974.

Mr. Karjian said that to accommodate his parents' needs on the first floor, he wants to add a second floor for himself. There will be no further encroachment. The left side of the lot, which borders on Weston, consists of an acre of densely wooded, unoccupied land. He said that he plans to demolish part of the old addition due to dry rot in the basement and extend the existing house about 7.5 feet to the rear of the property.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 2 Oakdale Avenue, in a Single Residence District, on a 12,349 square foot lot, with a minimum left side yard clearance of 13.5 feet at the left rear corner and 17.3 feet at the left front corner. The length of the lot is 200 feet with frontage on both Marigold Avenue and Oakdale Avenue. Originally, the address of the lot was 2 Marigold Avenue.

In February, 1974, the Board of Appeals granted a variance to Paul and Jo Anne O'Brien to construct a two-story addition 16.4 feet from the left side line.

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The petitioner is requesting a variance to remove an existing rear portion of the dwelling approximately 22.5 feet by 28 feet and construct: 1) a two-story addition approximately 29.75 feet by 29 feet with an extension of the second story over the existing house approximately 12 feet by 27.5 feet with a minimum side yard clearance of 13.4 feet from the left rear corner of the addition; 2) a second-story deck approximately 13.8 feet by 24.2 feet with a minimum left side yard clearance of 17.3 feet; and 3) construction of a front porch approximately 24.2 feet by 8 feet with a minimum left side yard clearance of 17.4 feet from the left side lot line at the front corner of said porch. A variance is also requested to exceed the 50 square feet allowed by right for an enclosed or unenclosed porch.

A Plot Plan dated March 26, 1990, revised May 7, 1990, revised May 22, 1990, drawn by Richard B. Betts, Registered Land Surveyor; construction drawings and elevations; and photographs were submitted.

The Planning Board, on June 19, 1990, voted to recommend that the variance request be denied.

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 all of the proposed construction conforms to the present lines of the house and does not alter the relationship of the house to the left side lot line.

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.

Therefore, all the requested variances are granted subject to construction 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.

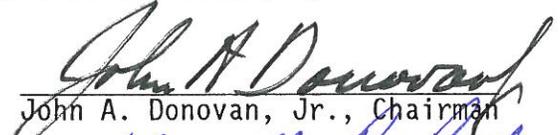
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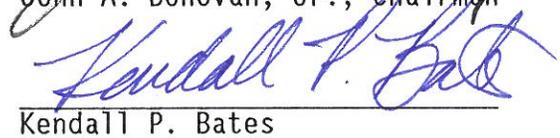
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If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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


Robert R. Cunningham

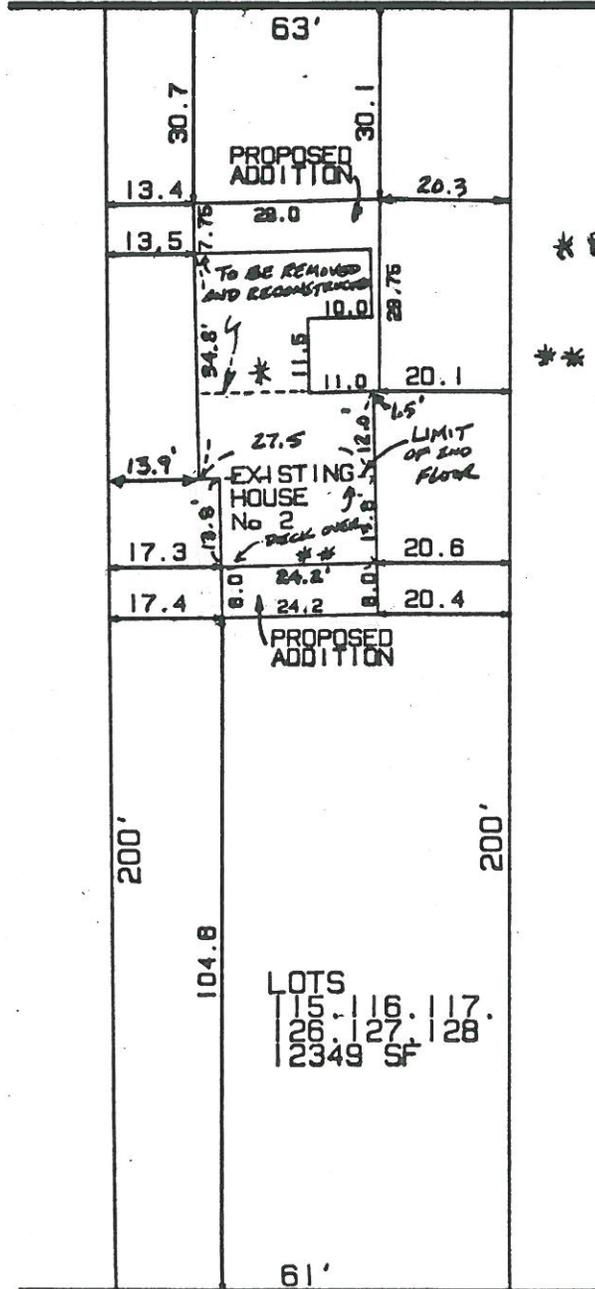
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PLAN OF LAND IN WELLESLEY MASS.

Rev. May 7, 1990 2nd REVISION MAY 22, 1990
 SCALE 1 IN = 30 FT MARCH 26, 1990
 EVERETT M. BROOKS CO. C.E.S.
 NEWTONVILLE MASS.

MARI GOLD AVE



* PROPOSED CONSTRUCTION
2 STORY WOOD

** 1 STORY WOOD WITH
DECK OVER



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LOTS
15 | 16 | 17
26 | 27 | 28
2349 SF

OAKDALE AVE