



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 90-56
Petition of Marc S. and Anita Taylor
57 Pine Plain Road

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 MARC S. AND ANITA TAYLOR requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to construct a second-story addition, approximately 14.5 feet by 14.8 feet above an existing den, which would include raising the ridge line of the den roof approximately 12.5 feet, at the rear of their non-conforming dwelling at 57 PINE PLAIN ROAD, in a Single Residence District, with less than the required right side yard.

On June 11, 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 were Marc and Anita Taylor. Mr. Taylor said that they wanted to add a bedroom to the second floor above the den. Presently, there are three bedrooms on the second floor, but one is very small. The small bedroom would be converted to a study.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 57 Pine Plain Road, in a Single Residence District, on a 10,092 square foot lot with a minimum right side yard clearance of 17.5 feet at the right rear corner of the dwelling.

In August, 1981, the Board of Appeals granted a variance which brought the property into conformance with the current Zoning Bylaw (ZBA 81-61), as it was discovered that sometime between 1942, when the dwelling was constructed, and 1975, when the property was sold, that an addition had been built without a building permit, coming to within 17 feet of the right side lot line. When the property was sold in 1975, the plot plan showed the addition to be conforming, but upon resale in 1981, it was discovered by the prospective buyers that the addition was actually non-conforming.

The petitioners are now seeking a variance to construct a second-story addition above the den, which was the subject of the previous decision. The new addition would be approximately 14.5 feet by 14.8 feet, which includes a one-foot overhang on the right side of the dwelling over the existing foundation. The right side yard setback would be 16.5 feet from the right rear corner of the overhang. In order to accommodate said addition, the ridge line of the den roof would be raised approximately 12.5 feet.

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A Plot Plan dated May 24, 1990, drawn by Nathan Rossman, Registered Land Surveyor; construction drawings and elevations drawn by the petitioner; and photographs were submitted.

The Planning Board, on June 19, 1990, voted to oppose the variance request as it represents further encroachment into the required side yard area.

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 the proposed second-story addition conforms to the present lines of the house and that the one foot encroachment of the overhang of said addition is 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 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 accordance with the Plot Plan and construction drawings as submitted and noted in the foregoing Statement of Facts; the overhang of said addition coming no closer than 16.5 feet from the right side lot line.

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
Inspector of Buildings
edg

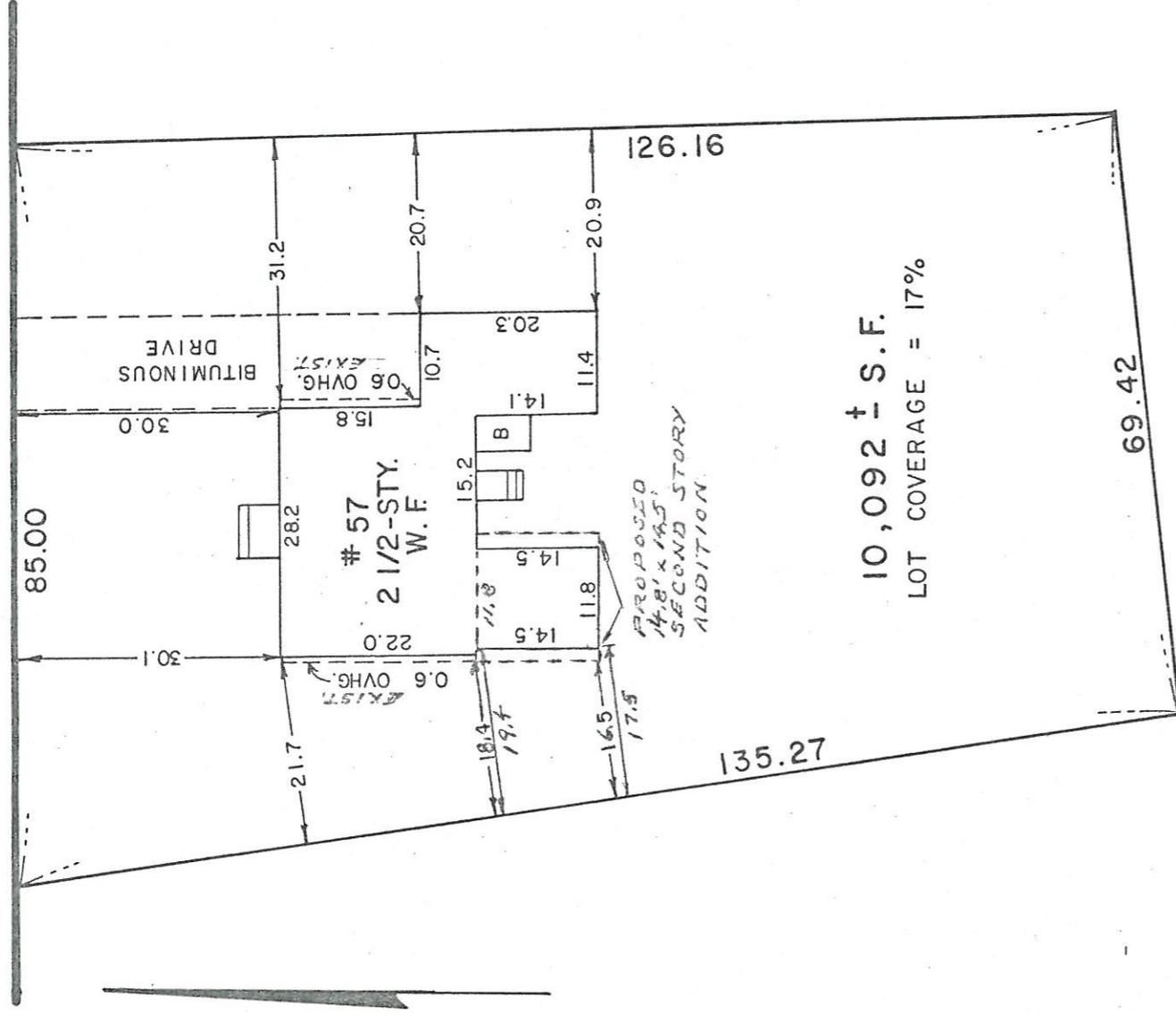

John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

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PINE PLAIN ROAD



10,092 ± S.F.
LOT COVERAGE = 17%

JUN 11 9 52 AM '90

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PLAN OF LAND
IN

WELLESLEY, MASS.



Nathan Rossman

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

MAY 24, 1990
NEWTON, MASS.