



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JUL 7 8 35 AM '92

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

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019 X208

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

ZBA 92-31

Petition of Brian D. and Kathleen M. Boyce
10 Rockridge Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, June 25, 1992 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 BRIAN D. and KATHLEEN M. BOYCE 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 addition, approximately 17.5 feet by 4.2 feet, at the rear of their existing attached garage at their nonconforming dwelling at 10 ROCKRIDGE ROAD, in a Single Residence District, to be brought into conformance with the current Zoning Bylaw. Said addition, built by a prior owner, was constructed without a building permit and has less than the required left side yard.

On June 8, 1992, the petitioners filed for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Kathleen Boyce, who was accompanied by her attorney, William Mone. Mr. Mone said that when the Boyces purchased the house in late April, it was discovered that a prior owner, Mr. Fandino, had built an enclosure to the steps to the basement. The Fandino family had owned the property and sold it to a relocation company, which sold it to the Boyces. When the relocation company examined the title upon purchase from the Fandinos, they did not have a new certified plot plan done. Mr. Fandino had the enclosure built, but the plot plan did not disclose the addition. The enclosure provides an extremely handy entrance to the basement. If it had to be removed, some type of enclosure would have to be built, as the open stairway would be a hazard.

Mr. Mone stated that there is ledge beneath the living room and the porch. The existence of the ledge probably accounts for the siting of the house on the left side of the lot. The ledge prevents construction of an entrance to the house on the right side. The addition on the rear of the house makes a basement entrance impossible in that location. The petitioners are requesting that the small enclosure be allowed to remain. The enclosure is actually less nonconforming than the existing nonconforming garage.

Mrs. Boyce said there is also ledge beneath the family room. She added that none of the neighbors have any objections.

ZBA 92-31

Petition of Brian D. and Kathleen M. Boyce
10 Rockridge Road

JUL 7 8 35 AM '92

No other person present had any comments on the petition.

Statement of Facts

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

The subject dwelling is located at 10 Rockridge Road, in a Single Residence District, on a 24,974 square foot lot with a minimum left side yard clearance of 9.1 feet.

As noted above, the nonconforming enclosure was built by a prior owner without a building permit. The presence of the nonconforming illegal addition was not disclosed until the resale of the property to the petitioners, as a new plot plan was not required for the first sale. The petitioners are now requesting a variance to allow the enclosure, approximately 17.5 feet by 4.2 feet with a minimum left side yard clearance of 9.7 feet, to be permitted to remain.

A Plot Plan dated May 12, 1992, drawn by Nathan Rossman, Registered Land Surveyor, and photographs were submitted.

On June 16, 1992, the Planning Board reviewed the petition and voted to offer no objection to the granting of the variance.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject enclosure 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 enclosure conforms to the present lines of the house, and, in fact, is less of an encroachment on the left side lot line than the existing house.

It is the opinion of this Authority that, because of the existence of ledge on the right side of the lot, which has necessitated 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 detriment to the neighborhood or substantially derogating from the intent or purpose of the current Zoning Bylaw.

Therefore, the requested variance from the terms of Section XIX of the Zoning Bylaw to allow the existing nonconforming enclosure with a minimum left side yard of 9.7 feet is granted.

The Inspector of Buildings is hereby authorized to issue a building permit upon his receipt and approval of a building application.

ZBA 92-31
Petition of Brian D. and Kathleen M. Boyce
10 Rockridge Road

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



Kendall P. Bates, Acting Chairman



Franklin P. Parker



William E. Polletta

JUL 7 8 35 AM '92
RECEIVED OFFICE
TOWN CLERK, S. S. O'NEILL
WELLESLEY, MA 02158

ROCKRIDGE ROAD

JUN 8 9 08 AM '92

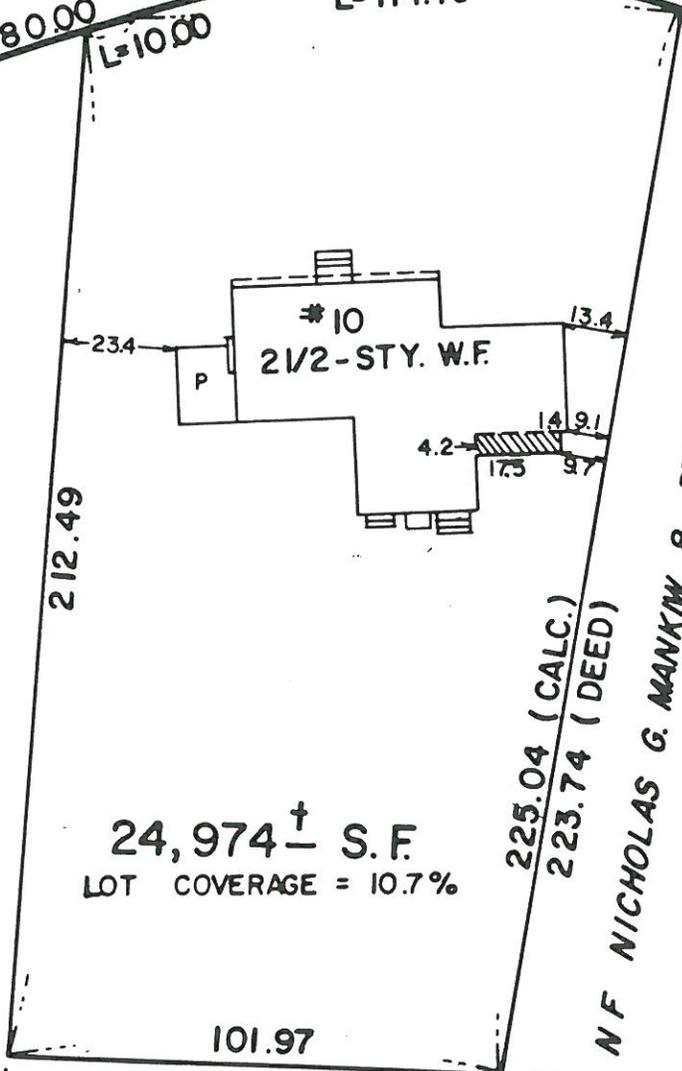
RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

R=204.00
L=114.16

R=1680.00
L=10.00

N/F PHILIP E. & MARGARET A. JENNINGS

N/F NICHOLAS G. MANKIN & DEBORAH ROLOFF



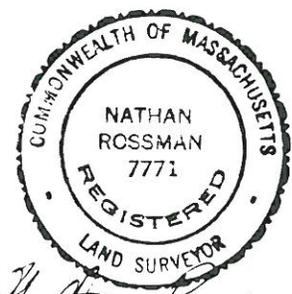
24,974[±] S.F.
LOT COVERAGE = 10.7%

OWNERS:
BRIAN D. & KATHLEEN
BOYCE

ASSESSORS REF.:
MAP 84, ROUTE 53

BUILDING ZONE:
RES. - 20,000 S.F.

N/F HARRIET C. GOLDWEITZ



Nathan Rossman

PLAN OF LAND
IN

WELLESLEY, MASS.

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

MAY 12, 1992
NEWTON, MASS.