



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019 X208

May 4 10 19 AM '94
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WILLIAM E. POLLETTA
FRANKLIN P. PARKER
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ZBA 94-22
Petition of J. Scott and D'Ann Z. Hansen
16 Rice Street

Pursuant to due notice the Permit Granting and the Special Permit Granting Authorities held a Public Hearing on Thursday, April 21, 1994 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley on the petition of J. SCOTT AND D'ANN Z. HANSEN requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to demolish the existing front landing and stair, and to construct a roofed landing, approximately 5.75 feet by 8.31 feet, with less than the required front setback at their nonconforming dwelling with less than the required front, left and right side yard setbacks at 16 RICE STREET, in a General Residence District.

Special Permit/Findings pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw are also requested that the following alterations and additions to their nonconforming dwelling and detached garage shall not be substantially more detrimental to the neighborhood than the existing nonconforming structures:

1. Enclosure of an existing side landing approximately 5 feet by 6.9 feet, with less than the required left side yard setback; said enclosure to be used as a mudroom.
2. Raising the ridge line of the roof approximately 3 feet over the existing family room which has less than the required right side yard setback.
3. Raising the 12.3 foot by 21.1 foot garage, with less than the required left side yard setback, to install a 1.3 foot cinder block foundation with no change or expansion of the footprint.
4. Raising the ridge line of the garage roof 7.5 feet at the rear of the nonconforming garage to provide for a garage expansion 3 feet by 7.5 feet above the existing 3 foot by 5 foot garage extension, without any change or expansion of the footprint.

On April 4, 1994, the petitioners requested 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 Scott Hansen, who said that he had purchased the house, which was built in 1905, about a month ago. The house requires major internal

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renovation. In conjunction with the interior renovation, they would like to widen the landing area toward the left side of the house, relocate the stairs and build a broader overhang above the stairs to provide shelter.

Mr. Hansen said that the garage will be reclapboarded. Collected debris has raised the ground level to the second clapboard causing the sills to rot. Before replacing the siding and the sills, he would like to jack up the garage and install cinder blocks to prevent future rotting. The footprint of the garage will not change, but the size of the garage will be changed as the front hood extension area will be squared off.

Jeny Brown, 43 Rice Street, expressed support for the petition.

Statement of Facts

The subject nonconforming dwelling is located at 16 Rice Street, in a General Residence District, on a 9,333 square foot lot. The nonconforming two-story dwelling has a minimum front yard clearance of 14.4 feet from the front stair, a minimum left side yard clearance of 14.6 feet and a minimum right side yard clearance of 8.7 feet. The property also contains a nonconforming detached garage with a minimum left side yard clearance of 3.9 feet.

The petitioners are requesting a variance to allow demolition of an existing front landing and stair and construction of a new roofed landing approximately 8.31 feet by 5.75 feet which will have a minimum front yard setback of 14.4 feet.

Special Permit/Findings are requested for the following projects:

1. Enclosure of an existing left side landing approximately 5 feet by 6.9 feet, with a minimum left side yard setback of 14.6 feet, for use as a mudroom;
2. Raising the ridge line of roof above the nonconforming family room approximately 3 feet. The 16 foot by 16.3 foot family room was allowed by a variance (ZBA 64-34) granted to a prior owner and has a minimum right side yard clearance of 9.9 feet.
3. Raising the 12.3 foot by 21.1 foot garage to install a 1.3 foot cinder block foundation without any expansion or change in the footprint. The garage has a minimum left side yard clearance of 3.9 feet.
4. Raising the ridge line of the roof of said nonconforming garage 7.5 feet to provide for a garage expansion 3 feet by 7.5 feet above the existing 3 foot by 5 foot garage extension without any change or expansion of the footprint.

A Plot Plan dated March 9, 1994, drawn by Joseph R. Sullivan, Registered Professional Land Surveyor; Floor plans and elevations drawn by J. Scott Baruch & Associates; and photographs were submitted.

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The Planning Board reviewed the petition and offered no objection to the granting of the variance or the Special Permit/Finding requests.

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Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling and garage do not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that due to 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 to demolish the existing landing and stair and construct a new roofed landing and stair, subject to construction in accordance with the plot plan and construction drawings as submitted.

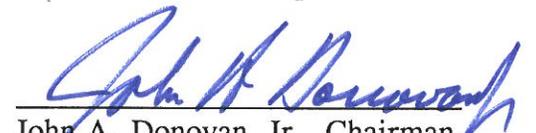
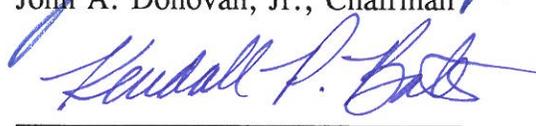
It is the finding of this Authority that none of the projects listed above as numbers 1 through 4 will intensify the existing nonconformities or create additional ones, as none of the projects involve expansion or change in the footprint of the existing nonconforming dwelling or garage.

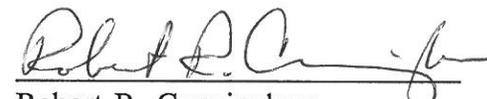
Therefore, Special Permits are hereby granted for the enclosure of the side landing, raising the ridge line of the roof above the existing family room, raising the garage to install a cinder block foundation, and raising the ridge line of the garage roof to accommodate the above described construction, as specifically described in the Statement of Facts. All Special Permit projects are to be constructed in accordance with the plot plan and construction drawings submitted.

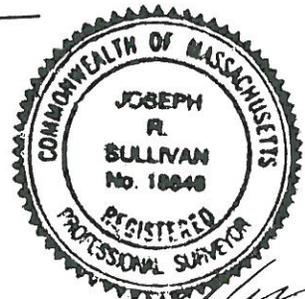
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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


John A. Donovan, Jr., Chairman

Kendall P. Bates

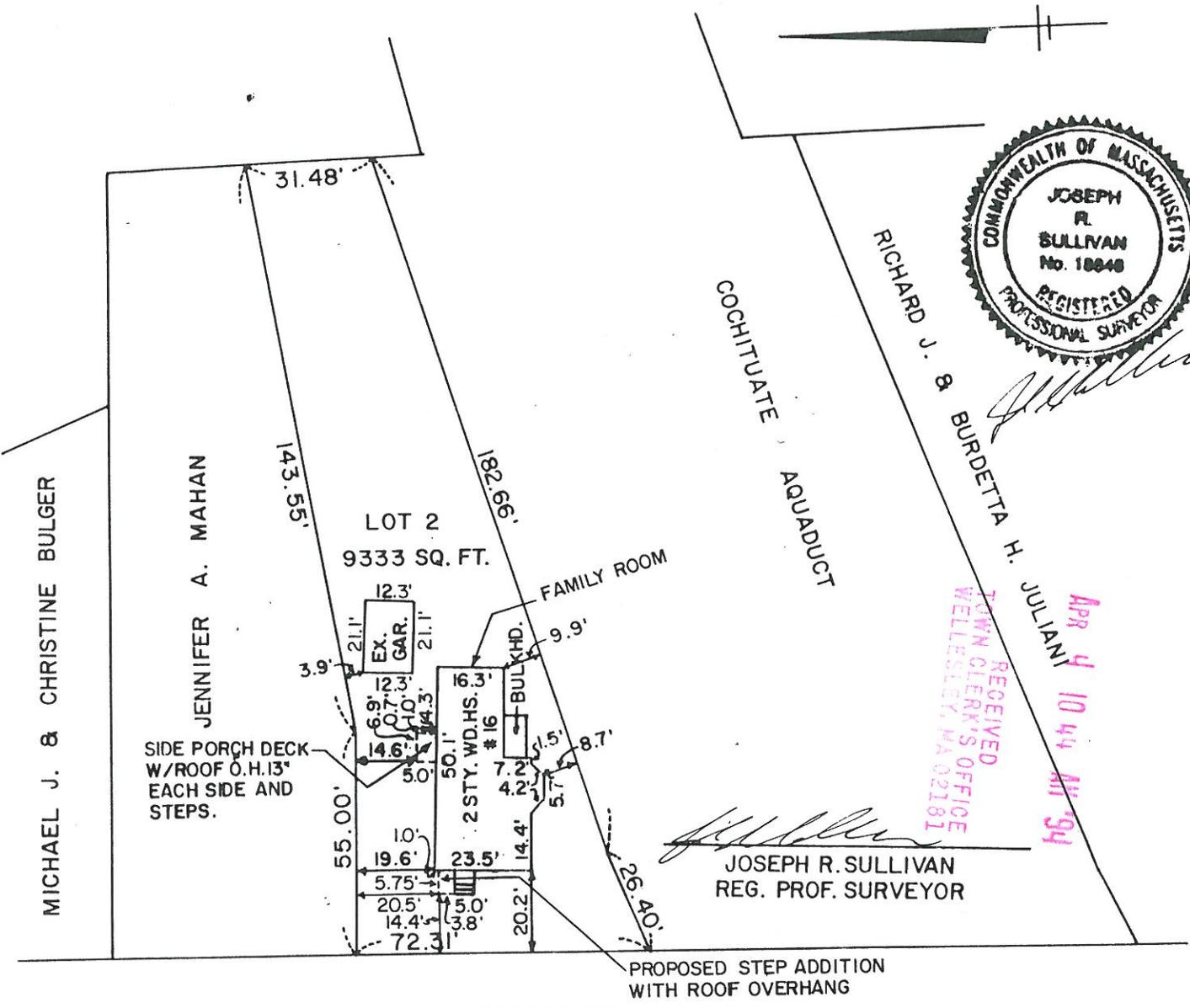

Robert R. Cunningham



RICHARD J. & BURDETTA H. JULIANI

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TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

JOSEPH R. SULLIVAN
REG. PROF. SURVEYOR



RICE STREET

WILLIAM R. & MARY M. SPILMAN	STEPHANIE W. ANDREW	FRANK V. & ELIZABETH H. SANTOSPAGO	COCHITUATE AQUADUCT
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WELLESLEY BOARD OF APPEALS

PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY : FLORENCE B. SCHEUFELE

SCALE : 1" = 40' MARCH 9, 1994

DATE : _____ PLAN BY : MacCARTHY & SULLIVAN ENGINEERING, INC.
41 BEACON STREET FRAMINGHAM, MASS.