

TOWN OF WELLESLEY



MASSACHUSETTS

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

1999 JUL -8 A 10:11

KENDALL P. BATES, CHAIRMAN
WILLIAM E. POLLETTA, VICE CHAIRMAN
RICHARD L. SEEGEL

ELLEN D. GORDON
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 208

ROBERT A BASTILLE
CYNTHIA S. HIBBARD
ROBERT W. LEVY

ZBA 99-49

Petition of Walter B. and Marcia S. Adams
36 River Ridge Road

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public hearing on Thursday, June 24, 1999 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 WALTER B. AND MARCIA S. ADAMS requesting the following relief for additions to their nonconforming dwelling with less than the required right and left side yard setbacks at 36 RIVER RIDGE ROAD, in a Single Residence District:

Special Permit/Findings pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following additions will not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Raising the ridge line of the roof 9 feet about the 14.8 foot by 29.4 foot 1 ½ story portion of the dwelling to accommodate a full second floor with attic of the same dimensions, with less than the required right side yard setback.
2. Raising the ridge line of the roof 14 feet about the 14 foot by 29.4 foot one-story portion of the dwelling to accommodate a second story with attic of the same dimensions, with less than the required left side yard setback.
3. Demolition of existing nonconforming front porch and construction of a covered 9.6 foot by 7.4 foot porch with less than the required right and left side yard setbacks.
4. A one-story 11.2 foot by 4 foot addition at the left rear portion of the dwelling with less than the required left side yard setback.
5. An 11.2 foot by 4.5 foot rear landing with less than the required left side yard setback.

Variance from Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw:

1. Demolition of an 11 foot by 3 foot uncovered nonconforming rear porch and construction of a two-story 8 foot by 17.7 foot addition with less than the required rear and right side yard setbacks.

Variance from Section XVIII-C and pursuant to Section XXIV-D of the Zoning Bylaw:

1. To exceed the allowed lot coverage of 25% for lots under 10,000 square feet with additions that will raise the percentage of lot coverage from 23.4% to 28.5%.

ZBA 99-49
Petition of Walter B. and Marcia S. Adams
36 River Ridge Road

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181
1999 JUL -8 A 10:11

On June 7, 1999, the petitioners filed a request for a hearing before these Authorities, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Walter Adams, who was accompanied by his wife, Marcia, and their two children. Mr. Adams said that their home has two bedrooms with one bath. The house is comprised of a one-story portion and a 1 ½ story portion, and a very steep interior stair.

Using an enlargement of the site plan, Mr. Adams explained that they would like to add a second story on the one-story side of the house, with a habitable third story under a gable on both sides. The existing first floor bedroom would be extended about 4 feet to the rear for use as a dining room. A two-story addition would be added at the rear for the purpose of housing a new stair. There would be a new bedroom and bath on the second floor. The stair addition was not possible within the existing envelope of the house without eliminating the bedroom and bath. The stair will be continued to access the third floor space, which will be used as an office and family room. The 4,300 square foot lot has a front yard width, so that no addition can be constructed without relief.

Mr. Adams stated that all of the proposed construction has been located in the rear to maintain the open front yard. Behind the property is MDC land that leads to Route 128. The 60 foot slope has a 45 degree angle. There are no other options for expansion.

Mr. Adams said that there has been concern expressed by the Board in the past regarding granting relief from the rear setback, and from the percentage of lot coverage. This property is unique in that it backs up to public land that will never be used for a park or for construction. Many years ago, about 63 feet of the land was taken by eminent domain from the property by the MDC for its use. He added that variances can be granted in cases of hardship caused by conditions peculiar to the lot. His lot is long and narrow in shape backing up to public land.

Mr. Adams said that the submitted plan shows the bulkhead on the left side. At the request of the abutting neighbor, they have relocated the bulkhead to the right side of the dwelling. Mr. Adams submitted an amended floor plan and elevation drawing depicting the change. The Executive Secretary stated that a revised plot plan would also be required.

The Board said that all of the properties on the street which back up to the MDC property appear to have the same problem. Mr. Adams said that there are 6 other properties, two of which have been granted relief for construction during the past 12 years.

The Board asked for an explanation of the existing and proposed stair. Mr. Adams said that the existing stair is so steep that it must be replaced for safety reasons. Without the addition encasing the stair, it would be impossible to add the second floor bedroom and bath.

The Board asked about the smaller projection at the rear. Mr. Adams said that the structure was a small porch instead of steps. There will be a 4 foot extension to the dining room followed by the porch and steps. The porch and steps are allowed by right, but they do contribute to the lot coverage. The Board asked what the percentage of lot coverage would be without the porch. Mr. Adams said it would be 26%. The Planning Board had discussed this issue when reviewing the petition, and voted to recommend approval.

ZBA 99-49
Petition of Walter B. and Marcia S. Adams
36 River Ridge Road

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

The Board said it was also sensitive to this issue. Considering the size and shape of the lot, with the topographical problem at the rear, and the portion of the lot taken by the MDC, it appears to be a situation that meets variance requirements. One Board member preferred that the size of the porch be reduced to a utilitarian design to decrease the percentage of lot coverage.

Margaret and Frederick Klingmeier, 32 River Ridge Road; Al DeAngelo, 45 River Ridge Road, and Florence Sheikh, 34 River Ridge Road, all expressed support for the petition.

The Board expressed concern regarding the setting of precedent in regard to lot coverage. Detailed reasons describing the problems unique to the lot, such as size, shape and the restriction of construction at the rear due to the topography would have to be stated in the decision, so that other petitions requesting relief from lot coverage requirements could not use this petition as a precedent.

The Board decided that the decision should include conditions that the proposed porch shall never be enclosed, and that a revised plot plan showing the relocation of the bulkhead be submitted prior to the issuance of a building permit.

Statement of Facts

The subject property is located at 36 River Ridge Road, in a Single Residence District, on a 4,300 square foot lot with a minimum right side yard setback of 9.9 feet and a minimum left side yard setback of 6.2 feet.

The Town Atlas of 1897 shows the property at 36 River Ridge Road as containing 8,660 square feet. In August, 1898, the Metropolitan Park Commission took by eminent domain twelve parcels of land from Weston Ridge to Newton Lower Falls, Newton, Weston and Wellesley. A Plan of Land dated November 3, 1931, drawn by the Gleason Engineering Corporation, which depicts 7 parcels on River Ridge Street owned by the Estate of Jeremiah Comeau, shows the parcel now numbered 36 River Ridge Road, as containing 4,300 square feet with frontage of 43 feet.

The petitioners are requesting a Special Permit/Finding that the following additions to their nonconforming dwelling shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Raising the ridge line of the roof 9 feet above the 14.8 foot by 29.4 foot 1 ½ story portion of the dwelling to accommodate a full second story with attic of the same dimensions with a minimum right side yard setback of 9.9 feet. There will be no change in the footprint.
2. Raising the ridge line of the roof 14 feet above the 14 foot by 29.4 foot 1 ½ story portion of the dwelling to accommodate a second story with attic of the same dimensions, with a minimum left side yard setback of 6.2 feet. There will be no change in the footprint.
3. Demolition of existing nonconforming front porch and construction of a covered 9.6 foot by 7.4 foot porch with a minimum right side yard setback of 16.8 feet and a minimum left side yard setback of 18.2 feet.

ZBA 99-49
Petition of Walter B. and Marcia S. Adams
36 River Ridge Road

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

1999 JUN -8 A 10:11

4. A one-story 11.2 foot by 4 foot addition at the left rear portion of the dwelling with a minimum left side yard setback of 7.4 feet.
5. An 11.2 foot by 4.5 foot rear landing with a minimum left side yard setback of 7.6 feet.

A variance is requested to demolish an 11 foot by 3 foot uncovered nonconforming rear porch and construct a two-story 8 foot by 17.7 foot two story addition with a minimum right side yard setback of 10.7 feet and a minimum rear yard setback of 8.5 feet.

A variance is also requested to exceed the allowed percentage of lot coverage of 25% be exceeded with additions raising the percentage of lot coverage from a conforming 23.4% to a nonconforming 28.5%.

A plot plan dated May 24, 1999, drawn by Frank Iebba, Professional Land Surveyor, Existing and Proposed Floor Plans, Site Plan, and Elevations (A1-A7b), dated May 6, 1999, revised May 18, 1999; and photographs were submitted.

At the Public Hearing, Mr. Adams submitted one set of drawings revised June 20, 1999 (A1R, A2R, A6R) and a petition in support of the project signed by 18 River Ridge Road home owners.

On June 22, 1999, the Planning Board reviewed the petition and had no objection to the granting of the request.

Decision

These Authorities have made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of the Special Permit Granting Authority that, although the five projects requiring a Special Permit will intensify the existing nonconformance creating more building bulk on a small lot, the plan is a sensitive design compatible with other homes on the street. None of these projects requiring a Special Permit will create new nonconformities, as two involve vertical expansion on an existing footprint and three have a greater set back from existing lot lines than the existing nonconforming dwelling.

Furthermore, the neighborhood itself has stated that the project will not be substantially more detrimental than the existing nonconforming structure through its demonstration of support in the submitted petition and at the Public Hearing.

Therefore, the Special Permit Granting Authority finds that none of the five projects requiring a Special Permit will be substantially more detrimental to the neighborhood than the existing nonconforming structure and grants the Special Permits for construction of the five projects listed in the foregoing Statement of Facts, as voted unanimously at the Public Hearing subject construction in accordance with the submitted plans, including the revisions, and further subject to the conditions that the 11.2 foot by 4.5 foot rear landing never be enclosed; and that a new plot plan showing the relocation, dimensions and setbacks of the bulkhead be submitted to the Board of Appeals prior to the issuance of any building permit.

ZBA 99-49
Petition of Walter B. and Marcia S. Adams
36 River Ridge Road

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

JUL 3 4 10:11

In regard to the request for a variance to allow construction of an 8 foot by 17.7 foot two-story addition to encroach 1.5 feet into the rear yard setback, the Permit Granting Authority is of the opinion that the encroachment is minor, and the situation unique as the rear yard abuts publicly owned property of such a grade and length that construction of any type is highly unlikely, thereby eliminating the possibility of detriment to any rear yard abutter. Furthermore, the shape of the lot is long and narrow. In order to maintain the front yard setback, the rear yard is the only open space available for construction. The use of this addition is also unique in that the purpose for construction is to contain a stair meeting the building code, whereas the current stair does not and must be replaced.

The request for a variance to exceed the allowed 25 percent of lot coverage from the existing 23.4% to 28.5% was the subject of lengthy discussion by this Authority. It is the opinion of this Authority that this is a unique situation in that the 4,300 square foot lot is one of the smallest in the Town. Maintenance of the 25% allowed lot coverage, which would limit total footprint to 1, 075 square feet, would require elimination of the two-story addition housing the stair, which is necessary for safety and compliance with the building code. The elimination of this structure would be a definite hardship to the petitioners.

It is the opinion of this Authority that because of the shape and size of the lot, but not generally affecting the zoning district in which it is located; the location of the house on the lot, the ownership and topography of the rear abutting property, and the safety of the petitioners, a literal enforcement of the provisions of both Section XIX and Section XVIII-C 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 variance to construct the two-story 8 foot by 17.7 foot addition with a minimum rear yard setback of 8.5 feet and the variance to exceed the allowed 25% of lot coverage by covering 28.5 % of the lot are granted, as voted unanimously by this Authority at the Public Hearing,

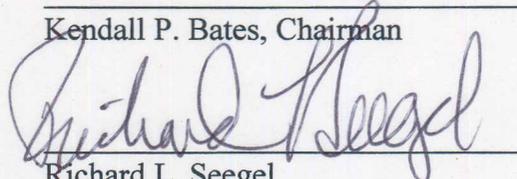
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If the rights authorized by the granted variances are not exercised within one year of the date of grant of said 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.

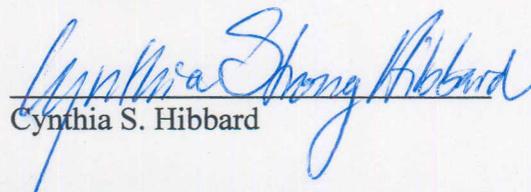
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.



Kendall P. Bates, Chairman



Richard L. Seegel



Cynthia S. Hibbard

Cc: Planning Board
Inspector of Buildings

edg

N/F MET. DIST COMM

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

1999 JUL -8 A 10:11

SPECIAL PERMIT
SEC XVII & XXV
1 STORY ADDITION

SPECIAL PERMIT
SEC XVII & XXV
1 STORY ADDITION

VARIANCE SEC XVIII & XIX
TWO STORY ADDITION

SPECIAL PERMIT
SEC XVII & XXV
1.5 STORY ADDITION

N/F MARY K GEIGER

N/F GHAFDOR A
& FLORENCE Y SHEIKH

AREA: 4300 SF (REC)



RIVER RIDGE RD



Frank Iebba
1 JUL 99

AREA RATIO:

EXISTING 23.4 %

PROPOSED WITH ONE STORY ADDITION: 24.4 %

PROPOSED WITH ONE STORY AND TWO STORY ADDITION: 28.5 %

BUILDING HEIGHT: 35 FT

PLAN OF LAND IN
WELLESLEY, MA

TO ACCOMPANY PETITION OF
WALTER B AND MARCIA STEIN ADAMS
36 RIVER RIDGE RD
WELLESLEY, MA

PLAN BY:

FRANK IEGBA, PE, PLS
PO BOX 620622 NEWTON LOWER FALLS
MA 02462-0622

781-553-0299

SCALE 1" = 20" MAY 24, 1999

REV. JUNE 28, 1999