



ZONING BOARD OF APPEALS

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

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ZBA 2013-67
Petition of Elliot & Kathleen Carney-Mark
31 Glen Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 10, 2013, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of ELLIOT & KATHLEEN CARNEY MARK requesting a Variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw for construction of a 5.6 foot by 11 foot one-story addition with less than required side yard setbacks, on an 8,333 square foot corner lot in which the minimum lot size is 10,000 square feet, with 56 feet of frontage, at 31 GLEN ROAD.

On September 25, 2013, the Petitioner filed a request 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 were Elliot Mark, (the "Petitioner") and Ed Forte, Architect.

Mr. Mark said that the plan is to relocate an existing bath as part of a kitchen renovation. He said that they received Wetlands Protection Committee (WPC) approval. He said that the request before the Board is for a Variance.

Mr. Mark said that the setup of the house is such that it is within the setbacks on both sides and at the front. He said that any changes would require relief from the Zoning Board of Appeals.

Mr. Mark said that there is a stairway just outside of the house that will be taken down. He said that they would like to move an existing bathroom to the existing stair location to allow for expansion of the kitchen inside. He said that the stairway is unused and unsightly. He said that the proposed change will improve the appearance of the house for themselves and for the neighbors. He said that they evaluated other locations but there was nothing else that was workable. He said that the back of the house that faces the wetlands is about three stories up. He said that any work going on at the back would be truly extensive. He said that the small location where they have the existing stairway seemed to be the best place for the addition. He said that it will be minor increase of an existing nonconformity.

Mr. Mark said that in the decision that was approved in 2000, there was a comment that said that this property is one of the few properties that truly meets variance requirements with respect to shape of land and topography.

The Board discussed the criteria that it must consider in order to grant a Variance.

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TOWN'S OFFICE
WELLESLEY MA 02482

The Board said that there was no drawing submitted that shows the entire back elevation. Mr. Forte said that they will not be touching the back deck at all. He said that the request is to remove the stair and landing at the side.

The Board said that the shape of the deck is different on the plot plan and Plan T1. Mr. Forte said that the correct shape is shown on the surveyor's drawing. He said that Plan T1 was a retracement of an earlier plot plan for a proposed configuration of the deck.

The Board asked about the dimension from the side lot line to the existing stairs. Mr. Forte said that it is approximately 9'6 to the midpoint of the stair landing structure. The Board said that the plot plan does not show the dimensions from the lot line to the existing conditions. The Board said that the front yard setbacks and the left side yard setbacks appear to be nonconforming.

Mr. Forte displayed a plot plan from 2000 (retained by proponent). He said that the proposed addition will extend 2.5 feet beyond the existing stair structure that is currently in the setback area.

Mark Fraga, 33 Glen Road, said that he is in favor of the proposed addition. He said that there will be symmetry between the bay window on his house and the proposed outcropping at 31 Glen Road. He said that it will be nicer than the stairwell that is there now. He said that the houses are 100 year old houses that are already close together. He said that there is landscaping between the two houses. He said that he would like to see this project go forward.

The Board asked about the difference between this lot and the lots around it. Mr. Mark said that there is an existing nonconformity that they are asking to increase. He said that they are not asking to create a new nonconformity. He said that the way the houses in the neighborhood have been built and their relation to the property lines is a challenge. He said that his house is built into the side of a hill. He said that there is a very steep drop off. He said that what is the first floor at the street is actually the third floor from the back of the house. He said that the topography for the neighbors is not as dramatic. The Board said that the house is located on the lot where it is because if it were located further back on the lot, it would be significantly below street level.

The Board said that the proposed addition will be inconsequential.

The Board said that it is a difficult and irregularly shaped lot. The Board said that the proposed addition will be 2.5 feet closer to the side lot line.

The Board said that the issue is not the topography but the shape of the lot. The Board said that the difficulty is that the lot drops off at the back.

Mr. Mark said that the house is so close to the property line, building the addition straight back would have also required relief. Mr. Forte said that the location of the new construction will be replacing existing construction on the property. He said that it will be located at the furthest practical distance from the riverfront area. He said that the construction and disturbance of the site will be minimized by not building a full foundation. He said that the addition will sit on sona tube footings. He said that putting the addition at the back would put it closer to the riverfront area.

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MARK'S OFFICE
31 GLEN ROAD
MA 02482

The Board said that the proposed addition will be di minimis and the shape of the lot is tough.

Statement of Facts

The subject property is located at 31 Glen Road, on an 8,333 square foot corner lot in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 14.2 feet and a minimum side yard setback of 12.3 feet, with 56 feet of frontage.

The Petitioner is requesting a Variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw for construction of a 5.6 foot by 11 foot one-story addition with less than required side yard setbacks.

A Plot Plan dated 8/16/13, stamped by Wesley T. Guillaume, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 8/14/13, prepared by Forte Architecture & Design, and photographs were submitted.

On October 8, 2013, the Planning Board reviewed the petition and recommended that the Variance be granted.

Decision

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

It is the finding of this Authority that literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise to the Petitioner, owing to circumstances relating to the shape of the lot, especially affecting this lot but not generally affecting the zoning district in which it is located, and the hardship is not self created. The Board found that desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested Variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is granted to allow for construction of a 5.6 foot by 11 foot one-story addition with less than required side yard setbacks, on an 8,333 square foot corner lot in which the minimum lot size is 10,000 square feet, with 56 feet of frontage, in accordance with the submitted plot plan and construction drawings.

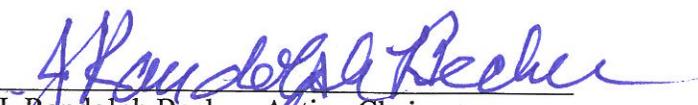
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

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

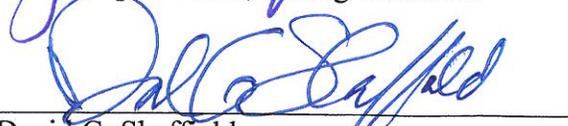
ZBA 2013-67
Petition of Elliot & Kathleen Carney-Mark
31 Glen Road

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TOWN CLERK'S OFFICE
WILLEY MA 02482

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.



J. Randolph Becker, Acting Chairman



David G. Sheffield



Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm



GLEN ROAD

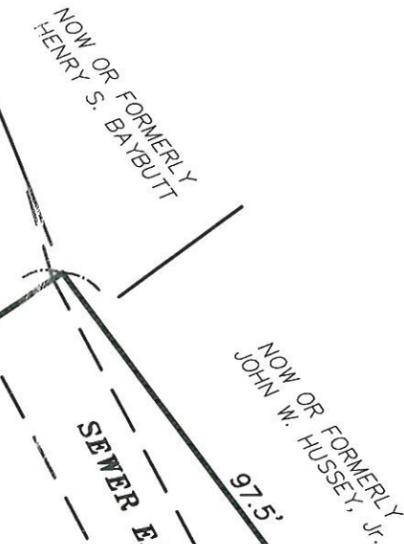
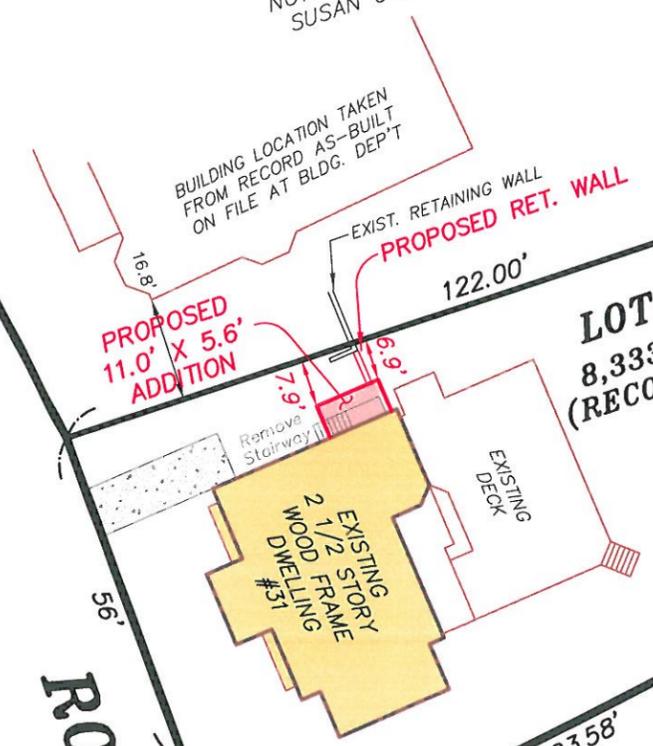
ROAD

MONTVALE ROAD

ROAD

LOT 108
13,248 SQ.FT.
(RECORD AREA)

LOT 110
8,333 SQ.FT.
(RECORD AREA)



NOW OR FORMERLY PETER G. JOHANNSEN
NOW OR FORMERLY SUSAN CUSHNER

BUILDING LOCATION TAKEN FROM RECORD AS-BUILT ON FILE AT BLDG. DEPT

EXIST. RETAINING WALL
PROPOSED RET. WALL

PROPOSED 11.0' X 5.6' ADDITION

EXISTING 2 1/2 STORY WOOD FRAME DWELLING #31
EXISTING DECK
Remove Stairway

R=20.00' L=33.8'
R=1003.58' L=97'

R=1003.58' L=142.5'

REFERENCES:

1. DEED IN BOOK 13528 AT PAGE 37.
2. PLAN IN BOOK 914 AT PAGE 321.

NOTES:

1. PHOTO REPRODUCTION OF THE SEAL AND SIGNATURE HEREON IS INDICATIVE OF UNAUTHORIZED REPRODUCTION AND USE OF THIS PLAN. IF THIS PLAN DOES NOT CONTAIN AN ORIGINAL SIGNATURE IN RED TOGETHER WITH AN EMBOSSED SEAL, IT IS NOT AN AUTHORIZED PLAN FROM GRE SURVEYING AND CANNOT BE USED FOR ANY PURPOSE WHATSOEVER. ANY UNAUTHORIZED USE OR MODIFICATION OF THIS PLAN MAY CONSTITUTE FRAUD AND WILL RENDER THIS PLAN NULL AND VOID.
2. THIS PLAN IS NOT TO BE USED FOR THE RECONSTRUCTION OF BOUNDARY LINES NOR FOR TITLE INSURANCE PURPOSES.
3. THIS PLAN DOES NOT REPRESENT A CONFIRMATION OF BOUNDARY LINES NOR A DETERMINATION OF TITLE BUT IS SOLELY INTENDED TO DEPICT THE OFFSET DIMENSIONS OF THE PROPOSED STRUCTURE TO THE LOT LINES AS DEPICTED ON A PLAN RECORDED IN BOOK 914 AT PAGE 321
4. THE SUBJECT PROPERTY IS DEPICTED AS LOT 13 ON WELLESLEY ASSESSOR'S MAP 42
5. OWNERS OF RECORD ARE ELLIOT J. MARK AND KATHLEEN E. CARNEY-MARK, 31 GLEN ROAD, WELLESLEY, MASSACHUSETTS 02481.
6. ALL OFFSETS SHOWN HEREON ARE TO THE NEAREST ONE TENTH (1/10) OF A FOOT.
7. ZONING IS SR-10.
8. EXIST. OPEN SPACE: 88.2% ± PROPOSED: 88.0% ±
9. EXIST. LOT COVERAGE: 10.9% ± PROP.: 11.1% ±

PLOT PLAN of LAND
LOCATED IN
WELLESLEY, MASSACHUSETTS
(NORFOLK COUNTY)

PREPARED FOR
ELLIOT MARK

SCALE: 1" = 30' DATE: AUG. 16, 2013
15 0 15 30 60



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DWG No. 000114PP GRE No. 000114