



ZONING BOARD OF APPEALS

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

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WELLESLEY MA 02482
1 2017 MAR 16 P 3 26

ZBA 2017-20
Petition of Edward & Julia O'Brien
36 Riverdale Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 2, 2017, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Edward & Julia O'Brien requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a second story addition over an existing conforming structure, and construction of a deck extension with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 9,090 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 36 Riverdale Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 24, 2017, 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 was Rick Leland, Contractor, representing Ed and Julia O'Brien, the Petitioner. Mr. O'Brien was also present at the public hearing.

Mr. Leland said that the request is for a second story addition and extension of a deck on a pre-existing nonconforming lot. He said that the lot is nonconforming on the side yard setbacks, the front yard setback, and the lot size.

The Chairman said that it is a nice neighborhood. He said that there has been a lot of activity there.

The Chairman asked if there are any drainage issues on the property. He said that some properties in that neighborhood have had drainage problems. Mr. O'Brien said that there are no issues that he is aware of.

The Chairman said that the nonconformities are the size of the lot at 9,090 square feet in a district in which the minimum lot size is 10,000 square feet, a front yard setback of 25 feet where 30 feet is required and a left side yard setback of 19 feet and a right side yard setback of 15.8 feet where 20 feet is required. The Board made a finding that the proposed structure shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

There was no one present at the public hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 36 Riverdale Road, on a 9,090 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 25 feet, a minimum left side yard setback of 19 feet, and a minimum right side yard setback of 15.8 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a second story addition over an existing conforming structure, and construction of a deck extension with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 9,090 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 1/24/17, stamped by Bruce E. Wilson, Jr., Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, prepared by CME Architects, Inc., and photographs were submitted.

On March 1, 2017, the Planning Board reviewed the petition and recommended that the special permit be approved.

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 opinion of this Authority that although construction of a second story addition over an existing conforming structure, and construction of a deck extension with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 9,090 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a second story addition over an existing conforming structure, and construction of a deck extension with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 9,090 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, 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.

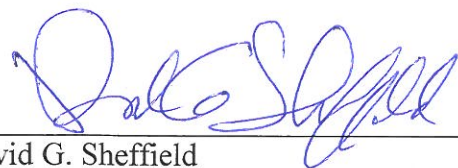
If construction has not commenced, except for good cause, this special permit shall expire two years after the date time stamped on this decision.



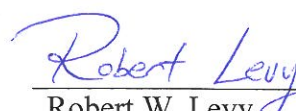
ZBA 2017-20
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



David G. Sheffield

 (signed by Victor Parakk
with authorization by
Robert Levy)

Robert W. Levy



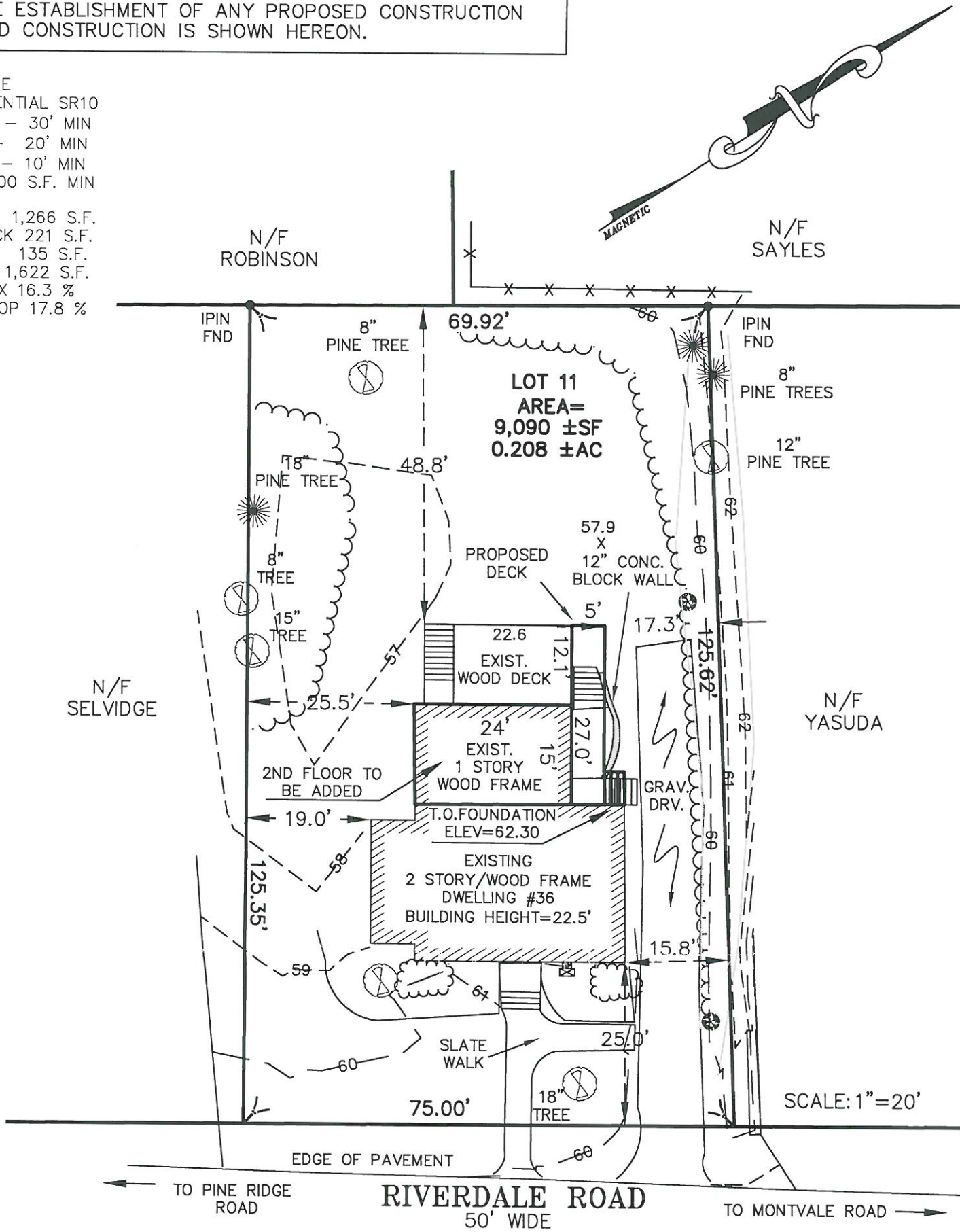
Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

THE BUILDING OFFSETS AS SHOWN ON THIS PLAN ARE NOT TO BE USED FOR THE ESTABLISHMENT OF PROPERTY LINES OR FOR THE ESTABLISHMENT OF ANY PROPOSED CONSTRUCTION UNLESS SAID CONSTRUCTION IS SHOWN HEREON.

ZONE
SINGLE RESIDENTIAL SR10
FRONT YARD - 30' MIN
SIDE YARD - 20' MIN
REAR YARD - 10' MIN
AREA = 10,000 S.F. MIN

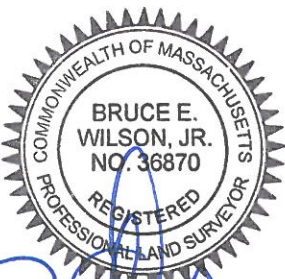
AREA HOUSE 1,266 S.F.
AREA OF DECK 221 S.F.
PROP DECK 135 S.F.
TOTAL AREA 1,622 S.F.
LOT COV EX 16.3 %
LOT COV PROP 17.8 %



CONSTRUCTION ON THIS LAND IS SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, RESERVATIONS, OR OTHER LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

PREPARED FOR:
REMODELING REMEDIES
14 KING PHILIP ROAD
FRANKLIN, MA 02038

I certify that this plan was prepared from an on the ground survey and that the existing structure is located on the lot as shown hereon.



Professional Land Surveyor Date

BUILDING PERMIT PLOT PLAN OF LAND IN WELLESLEY, MA

DATE : JANUARY 24, 2017

SCALE : 1"=20'

GUERRIERE & HALNON INC.
ENGINEERING AND LAND SURVEYING
MILFORD ----- FRANKLIN ----- WHITINSVILLE
55 WEST CENTRAL STREET FRANKLIN, MA 02038

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