



ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

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ZBA 97-58

Petition of Patrick J. and Susan E. Kinney
13 Pine Ridge Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, July 24, 1997 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 PATRICK J. AND SUSAN E. KINNEY requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of a two-story 27 foot by 43 foot addition with less than the required right side yard setback, at their nonconforming dwelling with less than the required right side yard setback, at 13 PINE RIDGE ROAD, in a Single Residence District.

On July 7, 1997, the petitioners 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 Patrick Kinney, who said that they would like to build a two-story addition at the back of their house. On the right side, there is an existing sun porch, which will be removed. On the left side, there is a shed side entrance, which will also be removed. The house, which was built around 1918, is only 6.98 feet from the right side line. The addition will extend the line of the house. As the house is not exactly parallel to the lot line, the rear corner of the addition will be slightly closer to the lot line than the existing house. There is a fairly substantial lawn area between the addition and the right side abutters, who are in favor of the project.

The Board noted that the Planning Board had recommended denial of the petition. The Board stated that rather than extending the line of the house, the addition should be moved to the left so that the right rear corner comes no closer to the lot line than the existing house. The Board would be reluctant to allow an increase in encroachment so close to the lot line.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 13 Pine Plain Road, in a Single Residence District, on an 11,521 square foot lot with a minimum front yard clearance of 19.85 feet and a minimum right side yard clearance of 6.98 feet.

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TOWN OF WELLESLEY, MA 02181

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Petition of Patrick J. and Susan E. Kinney
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The petitioners are requesting a variance to construct a 43 foot by 27 foot two-story addition which will have a minimum right side yard clearance of 6.45 feet.

A Plot Plan dated June 10, 1997 drawn by James R. Keenan, Registered Professional Land Surveyor; Floor Plans and Elevations dated 5/24/97, drawn by Schoenhardt Architects; and photographs were submitted.

On May 15, 1997, the Wetlands Protection Committee issued a Negative Determination of Applicability with Conditions for the project.

On July 22, 1997, the Planning Board reviewed the petition and voted to recommend denial of the petition as it appears that the three-story portion of the addition would be approximately six feet from the side property line, which would be an unacceptable encroachment into the required side yard setback area.

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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 does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that because of the shape of the lot, the location of the house on the lot and the topography of 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, a variance is granted to construct the two-story addition, as voted unanimously by this Authority at the Public Hearing, on the following conditions:

1. The proposed two story addition shall come no closer to the right side lot line than 6.98 feet.
2. A new plot plan showing the relocation of the proposed two-story addition, the new dimensions and the required right side yard setback of 6.98 feet, shall be submitted to the Board of Appeals prior to the issuance of any building permit.
3. All conditions enumerated in the Negative Determination of Applicability issued by the Wetlands Protection Committee shall be incorporated into this decision.

The Inspector of Buildings is hereby authorized to issue a permit for the construction, subsequent to the petitioners' compliance with Condition 2, upon his receipt and approval of a building application and detailed construction plans.

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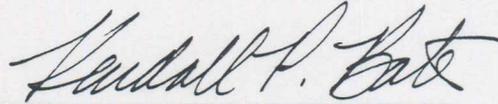
Petition of Patrick J. and Susan E. Kinney
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If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to 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.

cc: Planning Board
Wetlands Protection Committee
Inspector of Buildings

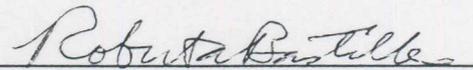
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Kendall P. Bates
Kendall P. Bates, Acting Chairman

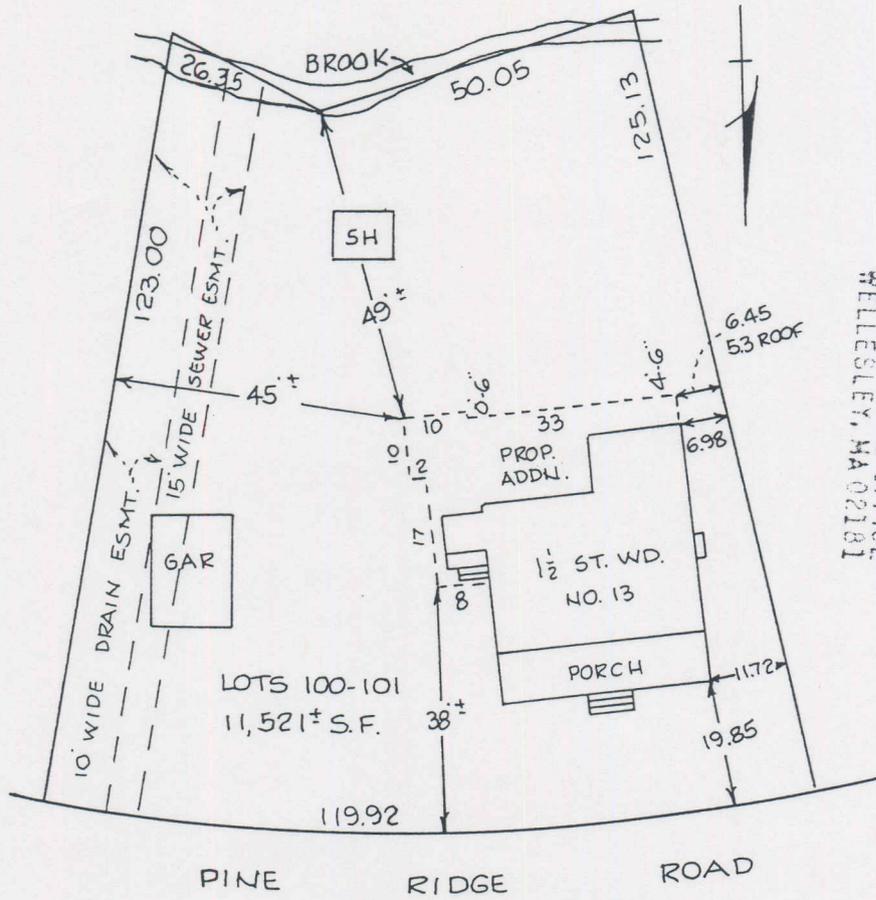


William E. Polletta
William E. Polletta



Robert A. Bastille
Robert A. Bastille

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EXISTING LOT COVERAGE = 13.5%
PROPOSED " " = 17.8%

PLOT PLAN
IN
WELLESLEY, MASS.
SCALE: 1 IN. = 30 FT. JUNE 10, 1997

James R. Keenan R.L.S.
8 Winchester Pl., Suite 208
Winchester, Mass. 01890

I CERTIFY THAT THE BUILDINGS ARE LOCATED AS SHOWN AND THAT THIS PLOT PLAN IS THE RESULT OF AN INSTRUMENT SURVEY.