



ZONING BOARD OF APPEALS

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

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ZBA 2016-93
 Petition of Michael Milkin & Erin Bryan
 32 Pine Ridge Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 3, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Michael Milkin & Erin Bryan requesting a Variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw for demolition of an existing nonconforming one-story structure and construction of a two-story addition that will increase the existing nonconforming left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 7,337 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 32 Pine Ridge Road.

On November 14, 2016, 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 Erin Bryan, the Petitioner. She said that the request is for a variance to build an addition to the side of the house. She said that they have been living there for almost five years and during that time have had two children, so their needs have changed a little bit. She said that they are looking to add a fourth bedroom and a second full bath to help expand the living area. She said that they thought about the possibility of moving to a larger house but, at this point they have developed a relationship with a lot of their neighbors. She said that a lot of the neighbors have children in the same age group. She said that they do not want to leave the neighborhood.

Ms. Bryan said that an existing sunroom was built by one of the previous owners. She said that they would like to remove the sunroom and put a two-story addition in its place that would include the fourth bedroom and second bath. She said that they considered the possibility of putting the addition off of the rear of the house, however, it does drop off significantly and there is not a lot of space back there. She said that the property is triangular and narrows as you go back toward the rear lot line. She said that building off of the back of the house will disrupt the interior layout of the house. She said that going off of the side will only disrupt three of the rooms in the house, so it will make it easier for them to live there during construction.

Ms. Bryan said that they would like to update the outside of the house with new siding but want to hold off until they find out if they can put on the new addition. She said that they will update the house and the landscaping. She said that it will not disrupt the neighborhood. She said that there are some smaller houses and some larger houses. She said that this will fit the character of the neighborhood. She said that have talked to a significant number of neighbors and submitted a letter that a few people had signed off

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saying that they did not have any problems with the project. She said that they spoke with the neighbor on the side that will be affected. She said that they showed them the plans and they did not have any problems with it. She said that the project went through Wetlands Protection Committee (WPC) review, so notice was sent to the abutters. She said that they did not receive any negative feedback.

A Board member said that he agreed about the slope at the back. Ms. Bryan said that there are some trees and an old stone wall back there as well.

A Board member said that because the design extends the same plane on the front and the back, it makes the house a much larger scale. He said that a setback of the façade of the new addition would greatly improve the scale and would hardly affect the size and use of the master bedroom. He said that shaving a dimension of one foot to 18 inches off so that it is not continuous façade of 45 feet would greatly improve the structure in terms of acceptability to the neighborhood. He said that it does not have to be set back as much as the sunroom.

The Chairman said that the current addition is setback almost three feet from the front. He said that the front of the house now goes 32 feet and the proposed design will have a more than 45 foot long façade. He said that if it is set back by 1 to 1.5 feet, it will break it up. Ms. Ryan said that there are a couple of houses on the street that are larger. The Chairman said that it is a question of the massing as it appears from the street.

A Board member said that the designer set a fairly large dormer above the addition. He said that the roofline will break by setting it back and the dormer will become smaller, which will be much better in scale with the house. He said that he would like to see those suggested changes taken under advisement.

A Board member asked what is driving the size of the addition. Ms. Bryan said that they are trying to get the most that they can out of the addition. She said that they would like to have extra space if they decide to have another child. She said that one of the significant issues is to get the fourth bedroom and another full bathroom. She said that they had considered adding a garage but found that it was not feasible.

A Board member said that the survey plan shows that part of the fence and the driveway is on the neighbor's property. He said that, as part of this, that correction could be made.

A Board member asked if there is currently a walk out basement. Ms. Bryan said that it does walk out in the rear. The Board member asked if the addition will provide an additional walk out door. Ms. Bryan said that a new door will be closer to where the cars are parked. She said that there is currently no front porch and they get a lot of mud and water tracked into the house. She said that it will be nice to have another entrance into the house.

A Board member asked if the direct abutter at 18 Pine Ridge Road signed a letter of support. Ms. Bryan said that they had. The Board member asked if the Petitioner explained the need to move significantly closer to their property. Ms. Bryan said that they showed the neighbors where the addition would come out to and showed them the plans and the survey. She said that they spoke with them a couple of times because they filed with the WPC.

The Chairman said that the area is well screened and the neighbor will not see it. Ms. Bryan said that there is a fence there that helps to create some privacy.

A Board member said that the addition, as proposed, brings it to within 6.4 feet of the property line. He said that if it is set back 18 inches, it will add a tenth or two of a foot.

The Chairman said that the only other place that it would be possible to put the addition would be at the rear where it is the only open area and it drops off 18 feet after the fence.

A Board member said that this is the most economical way to expand this house. He said that by keeping the single plane and common plane on the front and the rear ups the scale dramatically. He said that he would like to see it set back. He said that the Petitioner's designer should take that under advisement. He said that if the setback is changed, the dormer will have to be changed and the roofline will have to be set back.

Ms. Bryan asked about the setback at the back of the addition. A Board member said that the addition should be set back in the front and the back. He said that the Architect can figure the dimensions out. He said that the orientation of the façade is going to create a shadow line, so it will make it look smaller by having that break.

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

The Board discussed continuing the petition to January 5, 2017. The Chairman said that a revised plot plan must be submitted. He said that the Zoning Board of Appeals Rules and Regulations require that a land surveyor stamp the survey, not an engineer. He said that it would be helpful if the revised survey can be stamped by a land surveyor. He said that if it is not possible in such a short time, the Board can waive the requirement. Ms. Bryan said that she believes that the Engineer is also a Land Surveyor and she will ask him to use the Land Surveyor stamp on the survey.

The Board voted unanimously to continue the petition to January 5, 2017.

January 5, 2017

Presenting the case at the hearing was Erin Bryan, who said that they submitted revised plans that show an inset at the front and rear of the house by one foot and a modified dormer. The Board said that the revised plans show a great improvement.

The Board said that it is a 7,337 square foot lot where 10,000 square feet is required, the existing front yard setback is 24.5 feet where 30 feet is required, the existing left side yard setback is 11.9 feet where 20 feet is required and the existing right side yard setback is 3 feet where 20 feet is required. The Board found 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 topography of such land or structures, especially affecting such land or structures but not generally affecting the zoning district in which it is located; the hardship shall not have been self-created; and 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.

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PLANNING DEPARTMENT

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 32 Pine Ridge Road, on a 7,337 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 28.7 feet to the house, a minimum front yard setback of 24.5 feet to the front entrance landing, a minimum left side yard setback of 11.9 feet, and a minimum right side yard setback of 3 feet.

The Petitioner is requesting a Variance pursuant to the provisions of Section XIX and Section XXIV-D of the Zoning Bylaw for demolition of an existing nonconforming one-story structure and construction of a two-story addition that will increase the existing nonconforming left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, on a 7,337 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet.

Variance Request Explanation, Existing Conditions Plan and Proposed Plan, dated 7/13/16, stamped by Richard A. Volkin, Professional Engineer, Proposed Plan, dated 7/13/16, revised 12/13/16, stamped by A. Matthew Belski, Professional Land Surveyor, Existing and Proposed Floor Plans and Proposed Elevation Drawings, dated 5/2/16, revised 12/5/16, prepared by RAV & Assoc., Inc., and photographs were submitted.

On August 24, 2016, the Wetlands Protection Committee issued an Order of Conditions, MassDEP File #:324-0832.

On November 22, 2016, the Planning Department Staff reviewed the petition and recommended that the variance be denied. On January 4, 2017, 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 opinion 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 topography of such land, which does not generally affect the zoning district in which it is located, the hardship has not been self-created, and 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 for demolition of an existing nonconforming one-story structure and construction of a two-story addition that will increase the existing nonconforming left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard

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and right side yard setbacks, on a 7,337 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 and subject to:

- Order of Conditions, MassDEP File #:324-0832

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.

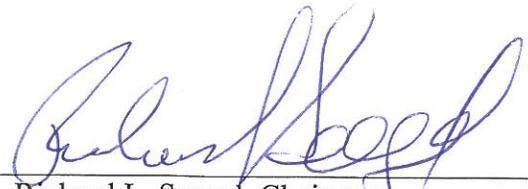
If construction has not commenced, except for good cause, this Variance shall expire one year after the date time stamped on this decision.

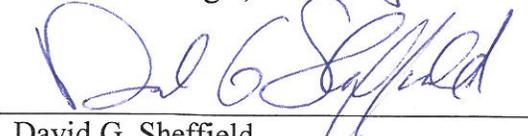
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ZBA 2016-93
Petition of Michael Milkin & Erin Bryan
32 Pine Ridge Road

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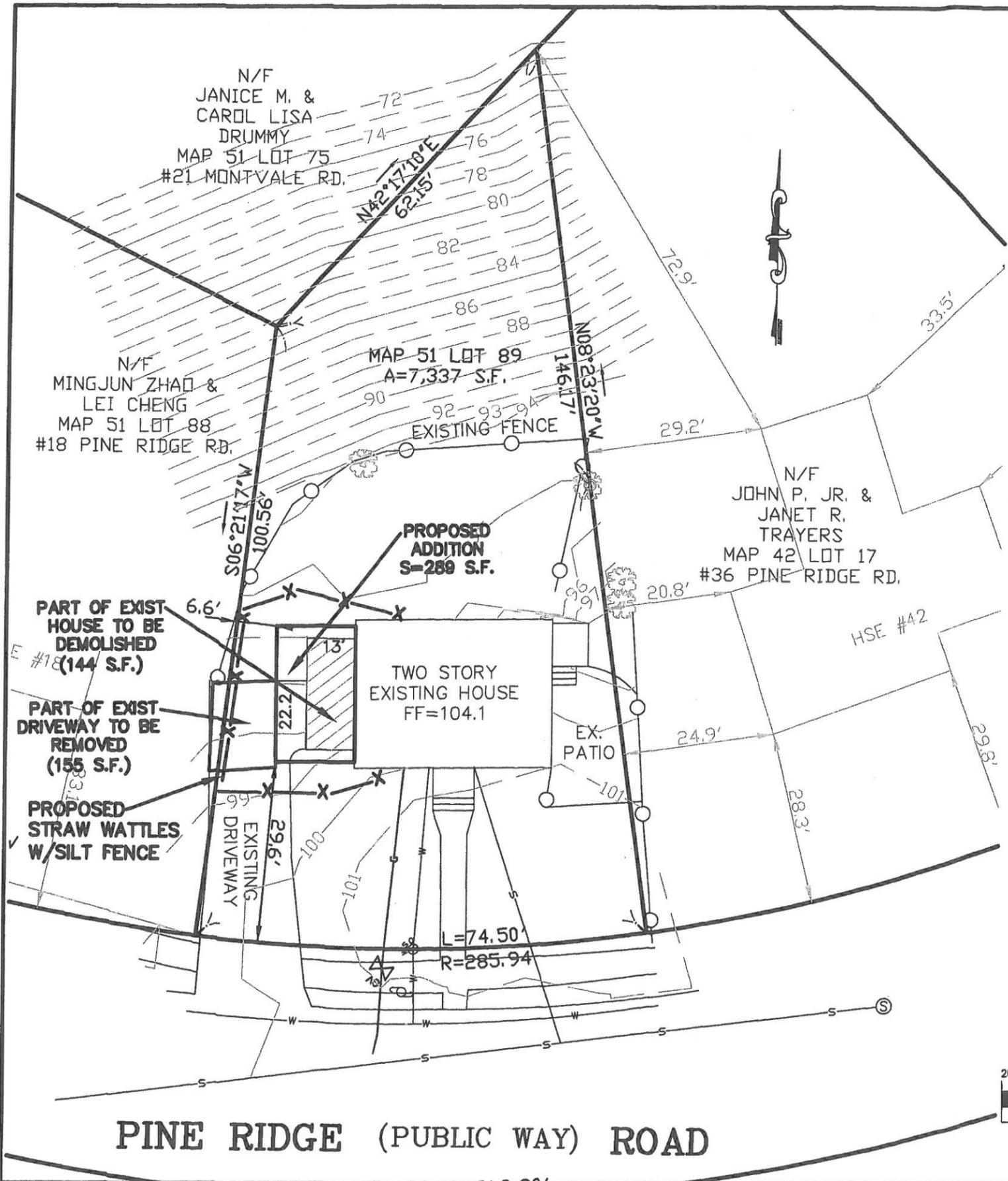
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


Richard L. Seegel, Chairman


David G. Sheffield


Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm



THE SURFACE EVIDENCE OF THE UTILITIES SHOWN HAS BEEN LOCATED BY FIELD SURVEY. THE LINWORK REPRESENTING ALL UNDERGROUND STRUCTURES AND PIPES HAS BEEN SHOWN HEREON IN ITS APPROXIMATE LOCATION BASED ON AVAILABLE RECORD PLANS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

ZONING DESIGNATION:
SINGLE RESIDENCE - SRD 10

REFERENCES:

- NORFOLK COUNTY REGISTRY OF DEEDS; DEED BOOK 29639 PAGE 336.
- PLAN BOOK 914 PAGE 321.
- PLAN # 16178D, BOOK 131 WITH CERT. #26159.

OWNER OF RECORD
MICHAEL MILKIN &
ERIN E. BRYAN.
32 PINE RIDGE ROAD
WELLESLEY, MA. 02481

ASSESSORS REFERENCE:
PARCEL ID: 51 - 89

RESIDENTIAL SUBDISTRICT - SINGLE RESIDENCE - SRD 10
DIMENSIONAL REGULATIONS - TABLE 1

	REQUIRED	EXISTING	PROPOSED
AREA DISTRICT	10,000 S.F.	7,337 S.F.	7,337 S.F.
MINIMUM FRONTAGE	60'	74.50'	74.50'
MINIMUM FRONT YARD WIDTH	60'	74.50'	74.50'
MINIMUM FRONT YARD DEPTH	30'/25'	28.7'/24.5'	29.6'/24.5'
MINIMUM SIDE YARD WIDTH	20'	11.9'/3.0'	6.6'/3.0'
MINIMUM REAR YARD DEPTH	10'	50.1'	50.1'
RATIO OF BUILDING TO LOT AREA	25% (MAX.)	13.5%	15.3%

- HSE#2-37.1'
- HSE#6-36.4'
- HSE#8-22.3'
- HSE#10-30.1'
- HSE#12-30.6'
- HSE#18-33.1'
- HSE#42-28.3'

PROPOSED PLAN
32 PINE RIDGE ROAD
WELLESLEY, MA 02481
SCALE: 1"=20' DATE: JULY 13, 2016
REV. 12/13/2016

