



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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431-1019

87-53

Petition of Mitchell R. Bornstein and Susan A. Piotroski  
32 Sunset Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, July 30, 1987 in the Selectmen's Meeting Room (Conference Room B) of the Town Hall at 525 Washington Street, Wellesley on the petition of MITCHELL R. BORNSTEIN AND SUSAN A. PIOTROSKI, requesting variances from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow construction of additions to their non-conforming dwelling at 32 SUNSET ROAD including the following:

1. a family room approximately 18 feet by 14.6 feet at the rear of the dwelling with a bay window approximately 2 feet by 8.5 feet leaving less than the required left side yard;
2. a bay window approximately 2 feet by 4 feet in the kitchen of the existing house leaving less than the required left side yard;
3. an addition approximately 2.9 feet by 11.6 feet to a storage room to create a second garage leaving less than the required right side yard;
4. a bay window approximately 19" by 3 feet in the existing study leaving less than the required right side yard.

On June 30, 1987 the petitioners requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Mitchell R. Bornstein who stated the need for a family room and that the left side yard was heavily wooded, providing a screen from the neighbors.

Mr. Bornstein introduced letters from Mary Hoffman, 36 Sunset Road and Seth Schneider, 30 Sunset Road expressing favor.

No others were present expressing favor or opposition to the request.

Statement of Facts

The property in question is located at 32 Sunset Drive in a Single Residence District, containing 16,103 square feet of land. A non-conforming dwelling exists on the property with a left side yard of 14.10 feet and a right side yard of 21.11 feet.

The petitioner requests variances for: 1. a family room approximately 18 feet by 14 feet at the rear of the dwelling with a bay window approximately 2 feet by 8.5 feet which would leave a left side setback of 14.6 feet except for the bay window which would encroach to within 12 feet of the left side lot line; 2. a bay window approximately

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Petition of Mitchell R. Bornstein and Susan A. Piotroski  
 32 Sunset Road

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2 feet by 4 feet in the kitchen of the existing house leaving a left side setback of 14.10 feet; 3. an addition approximately 2.9 feet by 11.6 feet to a storage room to create a second garage leaving a right side yard of not less than 18 feet from the 6" overhang; 4. a bay window approximately 19" by 3 feet in the existing study leaving a right side yard of not less than 18 feet from the 6" overhang.

A plot plan was submitted drawn by Richard B. Bette, Professional Land Surveyor for Everett M. Brooks Co., Civil Engineers, dated May 18, 1987 and construction plans drawn by Dennis J. Dowd, architect consisting of a Basement Plan, Floor Plan, West Elevation Plan, South Elevation, Section, Existing conditions, basement level plan (EC-1), Existing conditions ground level plan (EC-2), Existing conditions, west elevation (EC-3) and Existing conditions, south elevation (EC-4). Nine photos of the existing Bornstein residence were also submitted.

The Planning Board, on June 30, 1987, voted to oppose the granting of the variance for the addition and the bay window on the southeast side of the house as they represent a substantial encroachment on the southeast sideline. No objection was made to the variance to create a second garage or to install the bay window over the garage.

#### Decision

This Authority has made a careful study of the evidence presented. The particular house in question does not conform to the present Zoning Bylaws. The dwelling comes to within 14.10 feet from the left side yard and 18 feet from the overhang from the right side yard.

It is the opinion of this Authority that the encroachment of the proposed addition of the family room of 4 inches is de minimus and can be allowed. The encroachment of the bay window is not severe enough to be disallowed.

It is the further opinion of this Authority that the proposed addition of 2.9 feet by 11.6 feet to the storage room to create a garage and the proposed addition of the bay window of 19" by 3 feet to the existing study conform to the present lines of the house and do not alter the relationship of the house to the right side line.

Therefore, the requested variances are granted as follows:

1. a family room approximately 18 feet by 14.6 feet at the rear of the dwelling with a bay window approximately 2 feet by 8.5 feet, leaving less than the required left (easterly) side yard;
2. a bay window approximately 2 feet by 4 feet in the kitchen of the existing house leaving less than the required left side yard;
3. an addition approximately 2.9 feet by 11.6 feet to a storage room to create a second garage leaving less than the required right side yard;
4. a bay window approximately 19" by 3 feet in the existing study leaving less than the required right side yard

as shown in the Plot Plan by Richard B. Bette, Professional land surveyor, dated May 18, 1987

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

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Petition of Michael R. Bornstein and Susan A. Piotroski  
32 Sunset Road

If the rights authorized by a variance are not exercised within one year of the date of grant of such 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.

On July 30, 1987 the three member board hearing this case voted unanimously in favor of this decision. On August 22, 1987 Mr. Porter died without having affixed his signature  
APPEALS FROM THIS DECISION, IF ANY, to this decision.

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.

Stephen S. Porter, Chairman



Robert R. Cunningham

cc: Planning Board  
Inspector of Buildings

edg



William E. Polletta

SEP 5 2 00 AM '88  
TOWN CLERK'S OFFICE



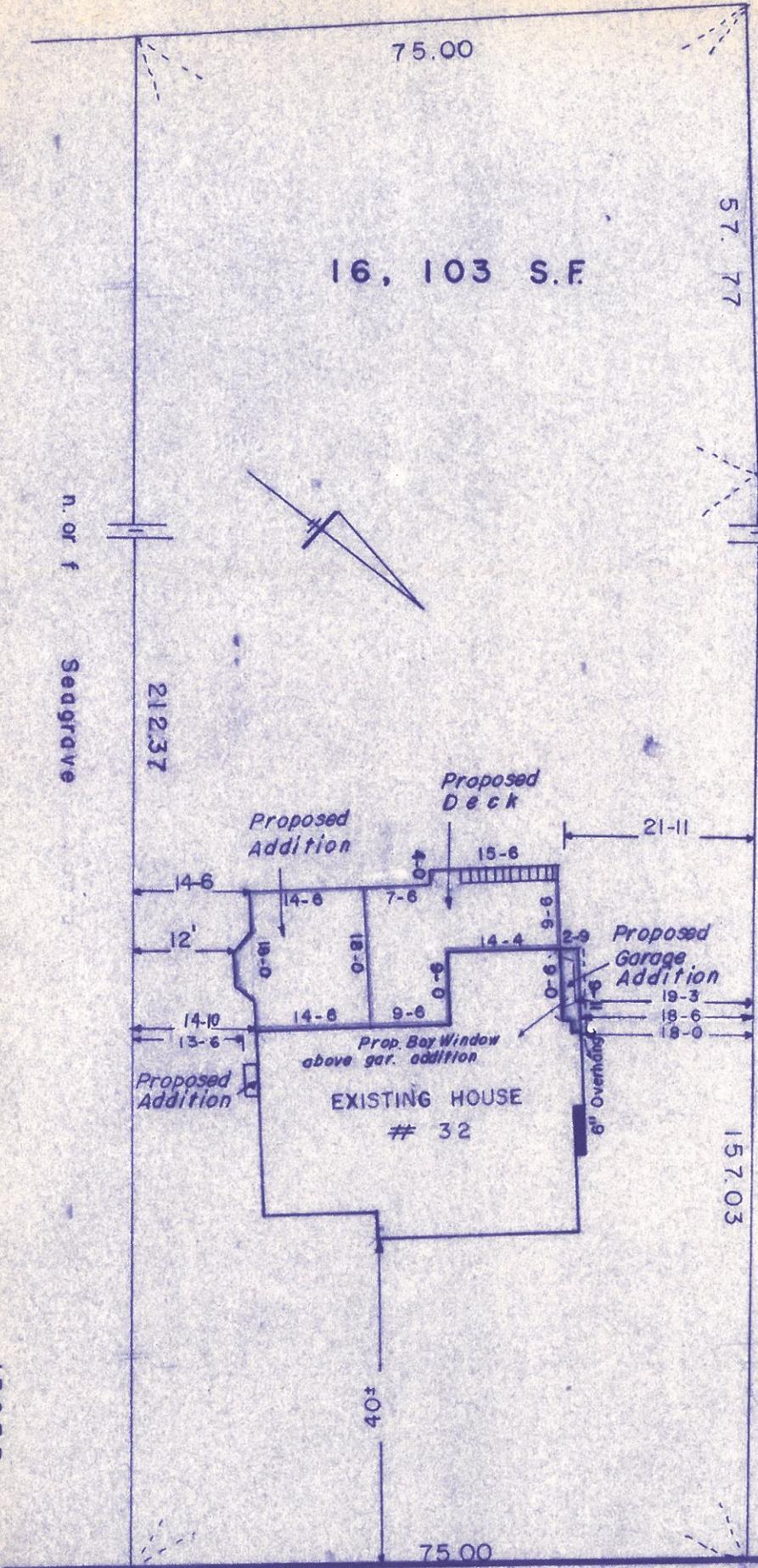
# PLAN OF LAND IN WELLESLEY - MASS.

TO ACCOMPANY THE PETITION OF MITCHELL R. BORNSTEIN - SUSAN A. PIOTROSKI

SCALE 1 IN = 20 FT. — MAY 18, 1987

EVERETT M. BROOKS CO., CIVIL ENGRS  
NEWTONVILLE - MASS.

n. or f. O' Connel



SUNSET RD.

n. or f. Sagraves

21237

57.77

157.03

16,103 S.F.

75.00

75.00

EXISTING HOUSE  
# 32

Proposed Addition

Proposed Deck

Proposed Garage Addition

Proposed Addition

Prop. Boy Window above gar. addition

Overhang 18"

21-11

14-6

12'

18-0

14-10

13-6

14-8

18-0

14-6

9-6

9-6

9-6

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