



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 88-67
Petition of Richard Shufro
29 Pinewood Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, July 21, 1988 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of RICHARD SHUFRO requesting a variance to bring an illegally constructed deck approximately 7 feet by 10 feet at his non-conforming dwelling at 29 PINEWOOD ROAD, in a Single Residence District, into conformance with the current Zoning Bylaw of the Town. Said deck was constructed without a building permit and with less than the required right side yard and less than the required front setback from WORCESTER STREET.

On July 5, 1988, the petitioner 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 Leslie B. Shea, attorney for Mr. Shufro. Mr. Shea explained that the previous owners had hired a builder to construct the deck and did not know, until just prior to the closing on the sale of the house, that the builder had neither secured a building permit, nor built the deck in conformance with the current Zoning Bylaw in regard to the right side setback and front setback from Worcester Street. Mr. Shea said that he had submitted letters from all the abutters expressing favor with the request.

No other persons present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 29 Pinewood Road, in a Single Residence District, on a 10,571 square foot lot, with a minimum right side yard clearance of 17.75 feet and a minimum front setback from Worcester Street of 27.34 feet. The prior owners of the property, Dr. and Mrs. Robert Pascucci, bought the property in 1980. Shortly after purchase, the Pascuccis requested the builder, who was constructing an addition for a neighbor, to quote a price for the addition of sliding glass doors and a small deck to their home. As the price was reasonable, the Pascuccis contracted to have the work done, believing that the builder was complying with all necessary legal requirements. The day prior to the closing on the sale of the property to Richard Shufro, the Pascuccis were informed by Mr. Shufro's bank attorney that the deck had been built illegally and was non-conforming.

The petitioner is requesting a variance to bring the illegal deck with a right side yard clearance of 17.75 feet, the requirement being 20 feet; and a front setback from Worcester Street of 27.34 feet, the requirement being 30 feet, into conformance with the current Zoning Bylaw of the Town.

A Plot Plan dated June 16, 1988, drawn by George N. Giunta, Registered Land Surveyor, and photographs were submitted.

A petition in favor of the request, signed by nine owners of neighboring properties, is on file in the office of the Board of Appeals.

The Planning Board, on July 12, 1988, voted to offer no objection to the request.

Decision

This Authority has made a careful study of the evidence submitted, and is of the opinion that the existing dwelling at 29 Pinewood Road is not in conformance with the current Zoning Bylaw of the Town.

This Board is of the opinion that a literal enforcement of the provisions of the Zoning Bylaw would involve a substantial hardship to the petitioner and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

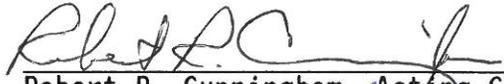
Therefore, the requested variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw is granted to allow the existing dwelling at 29 Pinewood Road with a right side yard of 17.75 feet and a front setback from Worcester Street of 27.34 feet in accordance with the Plot Plan submitted and noted in the foregoing Statement of Facts.

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

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.

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
Inspector of Buildings
edg


Robert R. Cunningham, Acting Chairman

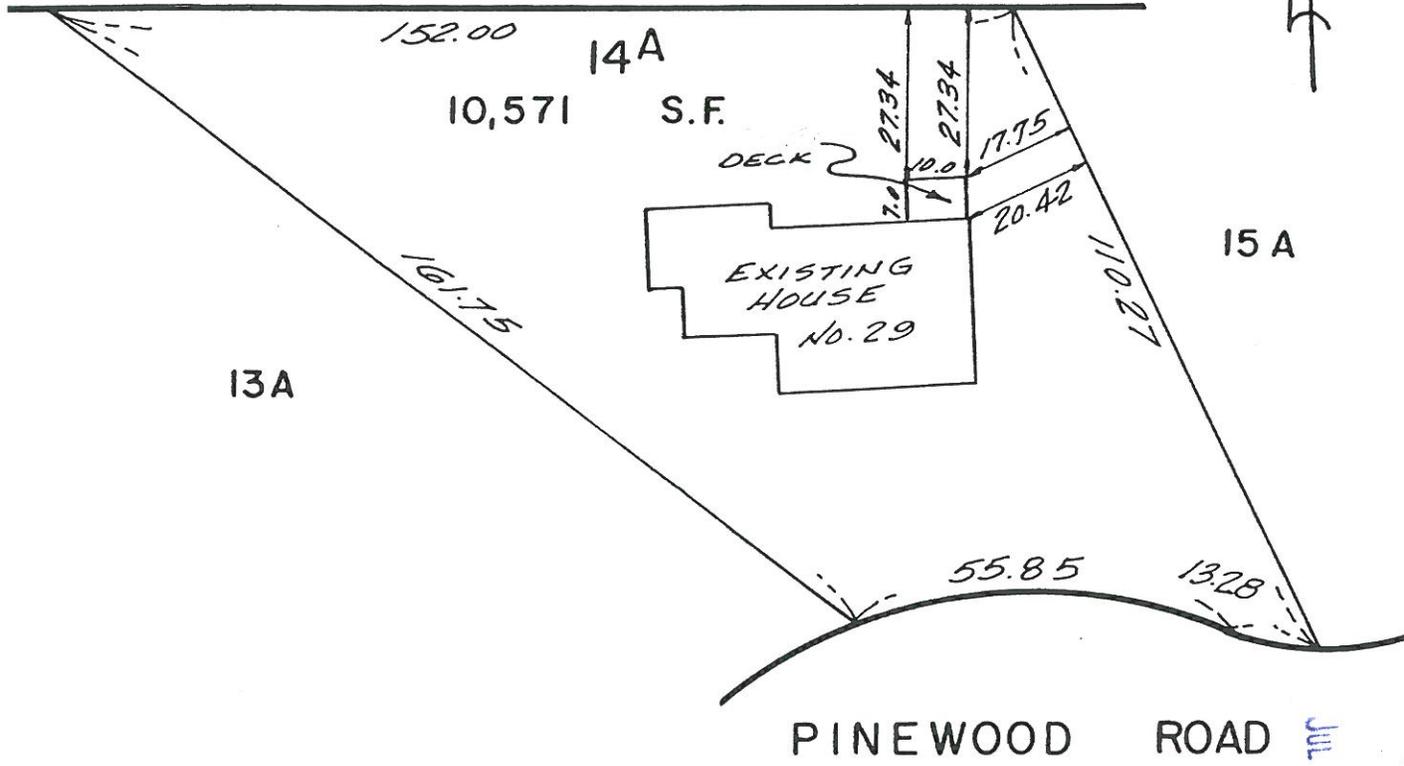

Kendall P. Bates


William E. Polletta

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ROUTE

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15A

PINEWOOD ROAD

JUL 5 11 29 AM '88

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WELLESLEY, MASS.

PLOT PLAN OF LAND
IN
WELLESLEY — MASS.

JUNE 16, 1988 SCALE 1" = 30'

NEEDHAM SURVEY ASSOCIATES
76 NEHOIDEN ST.
NEEDHAM, MASS.

