



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

MAR 21 8 38 AM '96

JOHN A. DONOVAN, JR., Chairman
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SUMNER H. BABCOCK

ZBA 96-10

Petition of Carl D. and Maureen V. Belcher
10 Pilgrim Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, March 14, 1996 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 CARL D. AND MAUREEN V. BELCHER requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow the existence of the following nonconforming structures at their nonconforming dwelling with less than the required left side yard at 10 PILGRIM ROAD, in a Single Residence District:

1. A 4.1 foot by 8.4 foot landing which has a greater area than the allowed 25 square feet and less than the required left side yard setback;
2. A 10 foot by 16 foot deck which has less than the required left side yard setback and was constructed without a building permit.

On February 12, 1996, 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 Maureen Belcher, who said that they would like to withdraw the petition for the second, large deck, which was built without a building permit. The deck has been totally demolished as of the present date.

Mrs. Belcher said that they are now asking only for the variance to allow the small landing to remain. Last year they built a kitchen addition with a small landing and stair leading to the children's play area. The landing is 33 square feet instead of the allowed 25 square feet.

The Board noted that correspondence in opposition to the petition had been received from the Sullivans at 2 Pilgrim Road, and from the attorney for the Calderwoods, the left side abutters at 6 Pilgrim Road. Mrs. Belcher said that the large deck had been removed to comply with the Calderwoods' wishes.

The Board commented that the opposition appeared to be in regard to the large deck rather than the small landing. Mrs. Belcher said that the landscaping around the small landing had been done in accordance with the Calderwoods' specifications, so that they would not be able to look into the abutting side yard.

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William Paulson, 39 Riverdale Road, said that he will be the new owner of the property. He wanted to make it clear that the small landing is less nonconforming than the corner of the kitchen addition.

Steve Calderwood, 6 Pilgrim Road, the right side abutter, said that their concern had been the larger deck, which has been removed to their satisfaction. They do not object to the small landing.

Statement of Facts

The subject property is located at 10 Pilgrim Road, in a Single Residence District, on an 11,175 square foot lot, and has a minimum right side yard clearance of 11.5 feet from the left side yard.

The petitioners originally were requesting a variance to allow a deck approximately 10 feet by 16 feet, with a minimum left side yard clearance of 11.5 feet, which was built without a building permit, to remain. As stated at the Public Hearing, this deck has been completely demolished. Therefore, the petitioners requested to withdraw without prejudice the first part of their petition.

The petitioners are requesting a variance to allow a landing approximately 4.1 feet by 8.4 feet with an area of 33.44 square feet, which has a minimum left side yard clearance of 15.6 feet, to remain. The subject landing exceeds the allowed area of 25 square feet and has less than the required left side yard.

A Plot Plan dated February 6, 1996; elevation drawings; and photographs were submitted.

On February 20, 1996, the Planning Board reviewed the petition and voted to recommend that the Board had no objection to the request.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. Neither the large deck nor the small landing are in compliance with the current Zoning Bylaw as noted in the foregoing Statement of Facts.

At the Public Hearing, this Authority unanimously voted to allow the petitioners to withdraw without prejudice that portion of the petition requesting a variance for the 10 foot by 16 foot deck, subject to submission of a revised plot plan showing the existing condition of the property to the office of the Board of Appeals.

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In regard to the request for a variance to allow the nonconforming 4.1 foot by 8.4 foot landing to remain, this Authority was of the opinion that because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX 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.

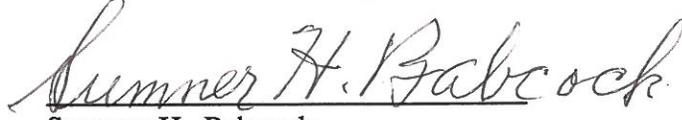
This Authority voted unanimously at the Public Hearing to grant said variance for the 4.1 foot by 8.4 foot landing to remain.

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



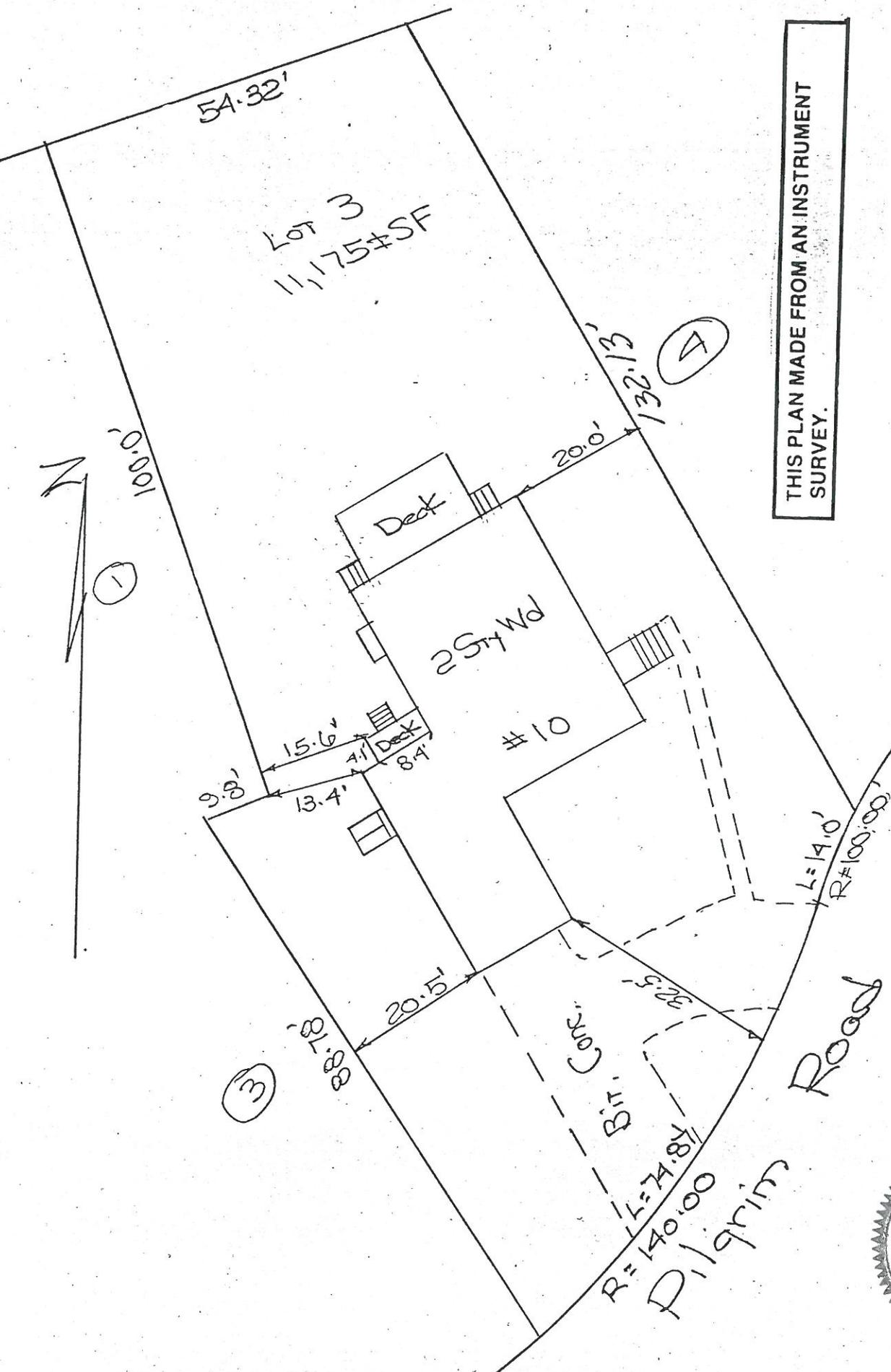
Kendall P. Bates
Kendall P. Bates, Acting Chairman



Sumner H. Babcock
Sumner H. Babcock



William E. Polletta
William E. Polletta



THIS PLAN MADE FROM AN INSTRUMENT SURVEY.

PLOT PLAN

SCALE: 1 IN. = 20 FT. DATE: 03/20/96 PLAN REFERENCE: BEING LOT 3 ON A PLAN BY Gleason Corp DATED 06/15/1931 RECORDED IN Norfolk REGISTRY OF DEEDS Dedham BOOK # 215 of 1937

I HEREBY CERTIFY THAT THE BUILDING SHOWN ON THIS PLAN IS LOCATED ON THE GROUND AS SHOWN.
10 Pilgrim Road Wellesley

