



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 93-80  
Petition of Pamela M. and Scott D. Stewart  
53 Whittier Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, October 28, 1993 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of PAMELA M. AND SCOTT D. STEWART 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 following additions to their nonconforming dwelling with less than the required right side yard setback at 53 WHITTIER ROAD, in a Single Residence District: 1. Demolition/modification of an existing one-story family room and construction of a two-story addition approximately 17 feet by 23 feet with less than the required right side yard setback. 2. Construction of a one-story addition approximately 5 feet by 5.2 feet with less than the required right side yard setback.

On October 4, 1993, the petitioners requested 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 Pamela Stewart, who said that the family needed more space due to the expected arrival of twins in January. They would like to demolish or modify the existing one-story family room in order to build a two-story addition with an additional bedroom on the second floor. The existing family room has a 19.4 foot right side yard setback, while the new addition will be set 19.8 feet from the right side line.

Mrs. Stewart explained that presently they do not have space for a full size washer and dryer, and would like to add a 5 foot by 5 foot area off the kitchen to house this equipment. This addition would simply extend the line of the right side of the house. She added that the right side abutters have no problem with the proposed additions.

#### Statement of Facts

The subject nonconforming dwelling, with a minimum right side yard clearance of 11.6 feet, is located on a 17,272 square foot lot at 53 Whittier Road, in a Single Residence District.

The petitioners are requesting a variance to demolish/modify an existing nonconforming family room and construct a two-story addition approximately 17 feet by 23 feet with a minimum right side yard clearance of 19.4 feet from the front right corner and 19.8 feet from the rear right corner. A variance is also requested to construct a second addition approximately 5.2 feet by 5 feet with a minimum right side yard clearance of 11.6 feet.

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A Plot Plan dated December 12, 1998, revised September 23, 1993, drawn by George N. Giunta, Registered Land Surveyor; Floor Plans and Elevations; and photographs were submitted.

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On October 12, 1993, the Planning Board reviewed the petition and voted recommend that the petition be allowed.

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 both of the proposed additions conform to the current lines of the house and do not alter the relationship of the house to the right side lot line.

It is the opinion of this Authority 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 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.

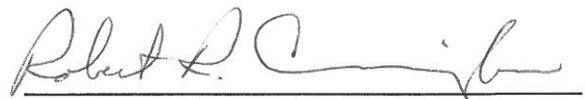
Therefore, the requested variance is granted subject to construction in accordance with the plot plan and construction sketches as submitted.

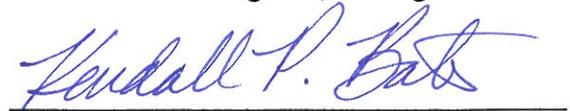
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and detailed construction plans.

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.

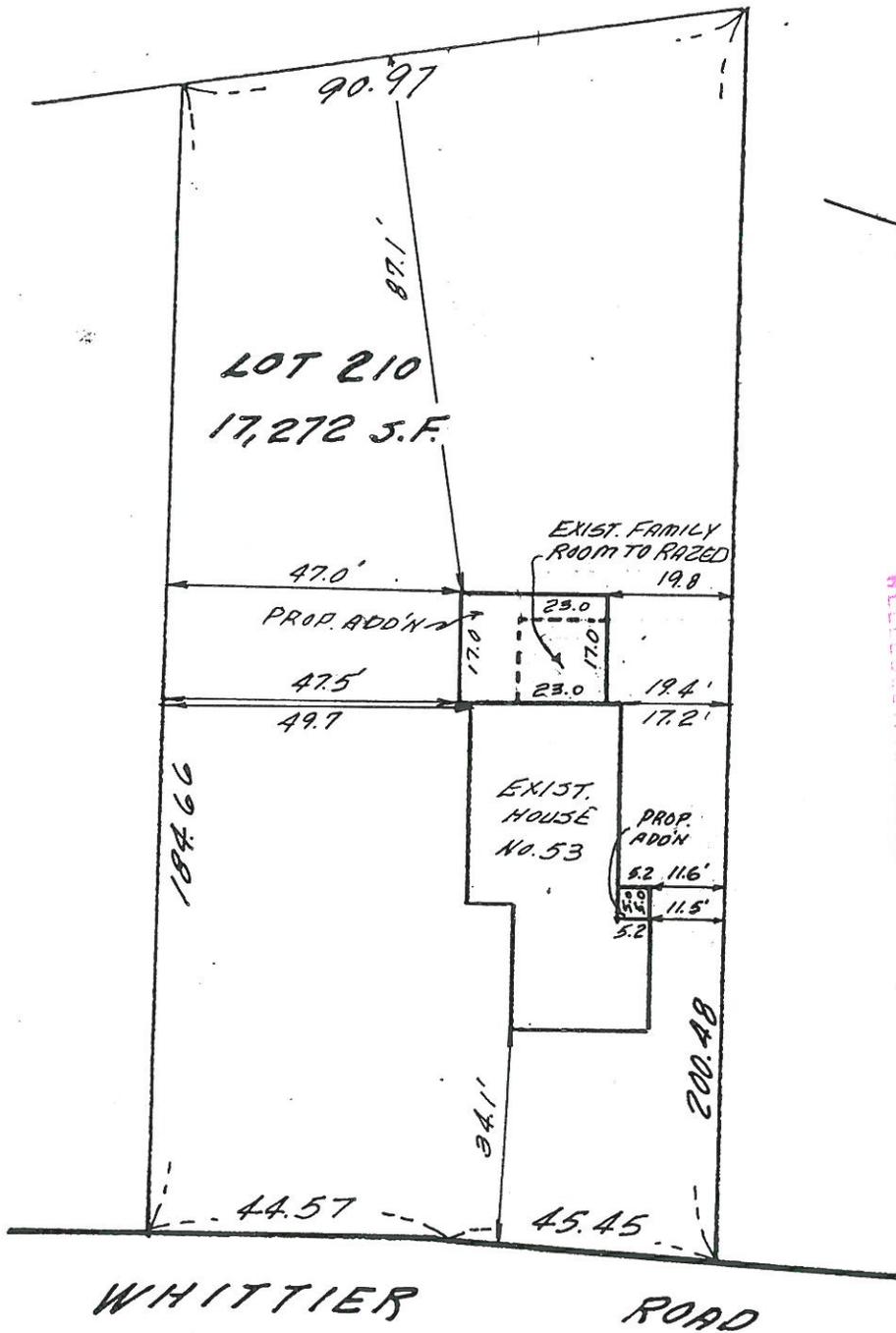
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN  
THE OFFICE OF THE TOWN CLERK.

cc: Planning Board  
Inspector of Buildings

  
Robert R. Cunningham, Acting Chairman

  
Kendall P. Bates

  
Franklin P. Parker



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WHITTIER ROAD

PLOT PLAN OF LAND  
IN  
**WELLESLEY — MASS.**

DEC. 12, 1988  
REVISED SEPT. 28, 1993 SCALE 1" = 30'

NEEDHAM SURVEY ASSOCIATES  
76 NEHOIDEN ST.  
NEEDHAM, MASS.

