



Jul 12 11 49 AM '94

ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman  
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KENDALL P. BATES

ELLEN D. GORDON  
Executive Secretary  
Telephone  
431-1019 X208

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WILLIAM E. POLLETTA  
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ZBA 94-40

Petition of Jane T. and David B. Pillemer  
33 Atwood Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 30, 1994 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 JANE T. AND DAVID B. PILLEMER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a second story addition approximately 6 feet 2 inches by 17.5 feet with a cantilevered overhang approximately 2 feet by 17.5 feet at their nonconforming dwelling with less than the required right side yard setback at 33 ATWOOD STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Said second story addition, including the cantilevered portion, will have less than the required right side yard setback.

On June 13, 1994, 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 were Jane and David Pillemer. Mrs. Pillemer said that they would like to add a bathroom on the second floor. They would not be increasing the footprint, as they would be building above the existing one-story portion of the house. They would like to cantilever out two feet to give them a little more space for the bathroom. Their abutting neighbor has no objections.

The Board noted that the existing deck is nonconforming and asked when it had been constructed. Mr. Pillemer said that the deck had been built 9 years ago without a variance. The contractor who had built the deck had told them a variance was unnecessary, and had, in fact, built the deck without a building permit. The Pillemers were unaware of these facts until the land surveyor came to do the new plot plan. The Board recommended that the Pillemers seek to correct this violation.

No other person present had any comment on the petition.

#### Statement of Facts

The subject nonconforming dwelling is located on a 9,210 square foot lot at 33 Atwood Street, in a Single Residence District. It has a minimum right side yard setback of 10.72 feet.

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The petitioners are requesting a Special Permit/Finding to allow construction of a second story addition approximately 17.5 feet by 6 feet 2 inches with a cantilevered extension approximately 17.5 feet by 2 feet which would have a minimum right side yard clearance of 11.89 feet from the right rear corner of the addition, and 11.67 feet from the right rear corner of the cantilevered extension.

A Plot Plan dated May 24, 1994, drawn by John J. Regan, Registered Professional Land Surveyor; Floor Plans and Elevations dated June 4, 1994, drawn by G.J.S. Building Company; and photographs were submitted.

On June 21, 1994, the Planning Board reviewed the petition and voted to offer no comment.

Decision

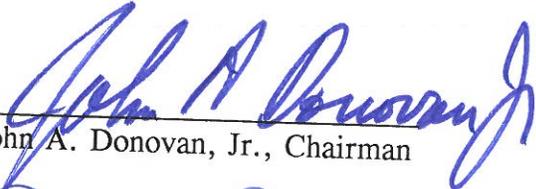
This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed construction of the second story addition, including the cantilevered extension will intensify the existing nonconformance, but will not create any new nonconformance, as the minimum clearance of the right rear corner of the cantilevered extension is less nonconforming than that of the existing nonconforming deck.

Therefore, this Authority finds that, as there will be no new nonconformance created by the proposed addition, and as there will be no change in the footprint of the nonconforming structure, the requested addition, including the cantilevered extension, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure, subject to construction in accordance with the plot plan and construction sketches submitted.

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

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.

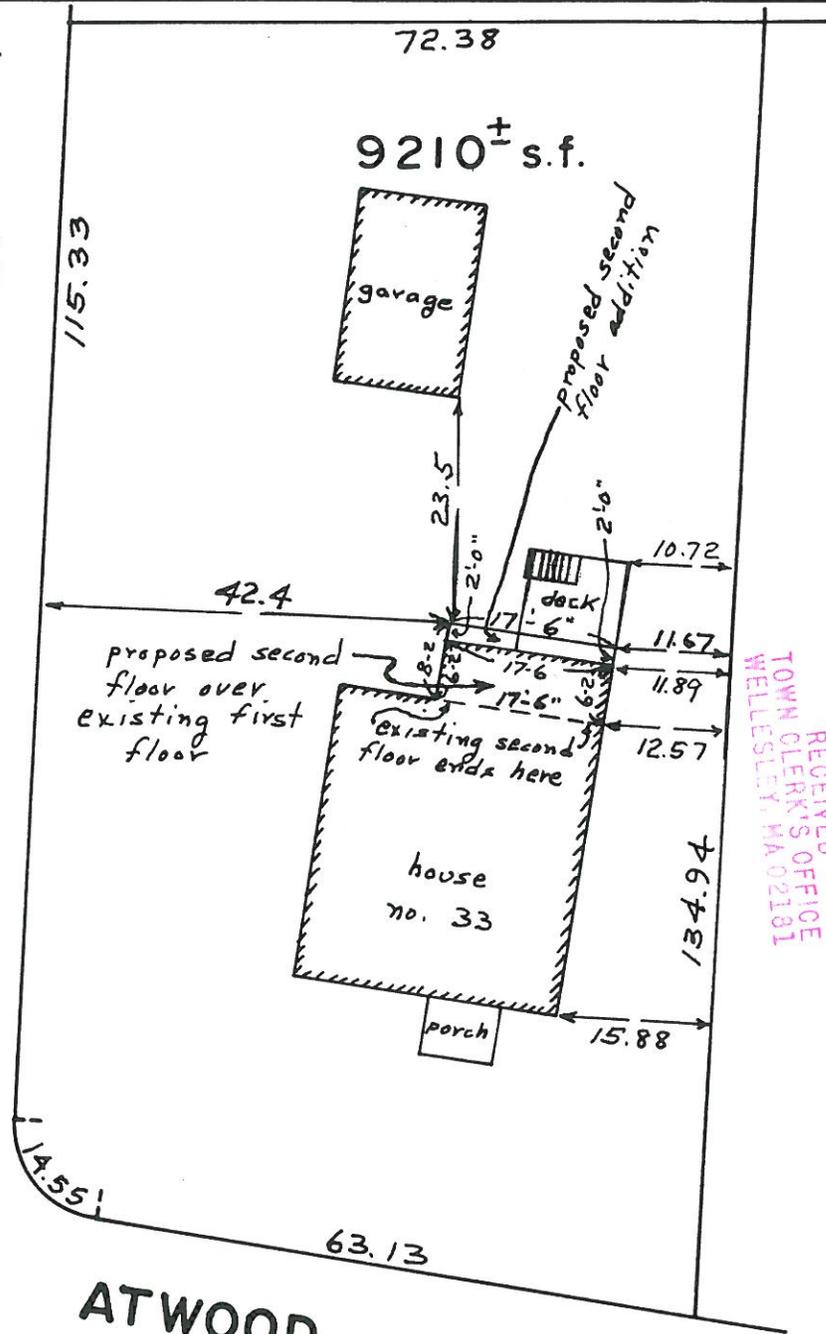
  
John A. Donovan, Jr., Chairman

  
Franklin P. Parker

  
William E. Polletta

cc: Planning Board  
edg Inspector of Buildings

MORTON STREET



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JUN 13 8 17 AM '94

PLAN OF LAND  
IN

WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF

DAVID B. PILLEMER & JANE M. TRaupmann  
33 ATWOOD STREET  
WELLESLEY

Note:

Proposed lot coverage will  
be 1370<sup>±</sup> s.f. or 14.9%



*John J. Regan*

SCALE 1 IN = 20 FT

JOHN J. REGAN

NEWTON HIGHLANDS

MAY 24, 1994

LAND SURVEYOR

MASS.