

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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ZBA 2021-40

Petition of Yvonne & Mark Pytlik  
192 Washington Street

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, May 6, 2021 at 7:30 pm, on the petition of Yvonne & Mark Pytlik requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing nonconforming garage, and construction of a new garage and a second story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks, on a corner lot, at 192 Washington Street, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 21, 2021, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Present on behalf of the petition were Yvonne Pytlik, the Petitioner, and Peter Lewandowski, Architect. Mr. Lewandowski said that an addition for a doctor's office was built between 1910 and 1920 and a small garage was added on the back side of the parcel after that. He said that the proposal is to remove the existing garage and add a garage at the end of the house, increasing the distance to the property line from 3.3 feet to 6.8 feet. He said that they will reconfigure the garage, add a mudroom entryway to the main house and a dormer on the side of the second floor to change a bedroom to a study and create two bedrooms and a bathroom. He said that the basement will be unfinished and the attic will be partially finished. He said that the project received approval from the Wellesley Historical Commission. He said that the requested relief is for a pre-existing nonconforming setback.

Gina Birmingham Cohen, 190 Washington Street, said that she and her husband, Adam Cohen, abut on the east side of the Pytlik's property. Mr. Cohen said that the Pytlks had not approached them about this project. He said that his understanding is that the structure will be moved away from the Cohen's property but will still be nonconforming. He discussed concerns about his family facing much more square footage. Ms. Cohen said that the second floor blocks sunlight for a good part of the day and their sight line out of that side of the house. She said that a two story garage was just built on the other side of their property and they feel as if they are being sandwiched in. The Cohens discussed concerns about rentals and use of the property.

A Board member suggested that the petition be continued to give the applicants and the neighbors time to review the plans and try to reach some sort of accommodation. The Board voted unanimously to continue the hearing to June 3, 2021.

June 3, 2021

Mr. Lewandowski said that the Applicant met with the Cohens today and discussed the project at length. He said that they did not come to a complete resolution today.

Mr. Lewandowski said that the plan is to maintain the setback of the addition that was built in the 1920's. He said that the Applicant wants to build an addition for an in-law suite for Ms. Pytlik's mother. He said that the first and second floors will be accessed through the house, with an additional separate access.

Mr. Lewandowski said that the plan is to build a roofline on top of the existing one story structure, maintaining the existing ceiling heights. The Chairman confirmed that the top of the addition will be lower than the existing roof. Mr. Lewandowski said that the house is lower than the tree line. He said that the neighbors will look at a roofline sloping away from them rather than a blank wall. He said that they discussed making the dormer smaller on the side that faces the Cohens.

Gina Cohen, 190 Washington Street, said that one of her biggest concerns is adding a second floor and the loss of her sight line from the first and second floor on the west side of her house, which is the sunny side. She said that she currently has a vista that allows her to see sky, trees and four of the neighboring properties on Woodlawn Avenue. She said that she has lived there for 18 years. She said that she moved to a part of Wellesley that did not have big houses that stood right next to each other, which is part of the charm of this neighborhood. She said that her neighbors on the other side built a structure with a second floor, so she lost her sight line to the east. She said that she feels that they are getting boxed in.

Adam Cohen, 190 Washington Street, said that the Pytlks house is next door and is close to the property line. He said that even with the modifications discussed with Mr. Lewandowski today, it will be approximately 12 to 18 feet higher and 60 to 80 feet wider, which is a significant sight line issue.

The Chairman said that the proposed project is within the bylaw. He said that one of the goals of the bylaw is to provide adequate light and air but there is nothing in the bylaw that gives any resident a right to a vista for a property that does not belong to them.

Mr. Lewandowski said that the existing garage is dilapidated. He said that the thought was to leave the driveway and maintain as much yard as possible. He said that they would like to build on top of what they already have rather than build a two story addition. A Board member discussed concerns that this is being built up right against the neighbor. Mr. Lewandowski said that the neighbors have approximately 20 feet on that side with a 6 foot fence.

Mr. Lewandowski said that he spoke with the Cohens today about possibly lowering the floor and tucking the addition under the existing hip of the main house, bringing it down around 30 inches and only having a dormer for the middle bedroom. He said that it will be a sloped roof with a 5 foot knee wall on the east side. A Board member suggested changing from a shed to a dog house dormer for the middle bedroom.

The Board voted unanimously to continue the petition to July 1, 2021.

July 1, 2021

Mr. Lewandowski said that the dormer was reduced to 12 feet wide, more details were added on the front elevation, and everything was tucked under the existing roof line, which brought the overall height of the ridge down to approximately 23.7 inches. He said that they lowered the living space over the garage so that the knee walls got wider. He said that the spaces would not work with a dog house dormer. He said that the ridgeline now recedes from view and will seem a lot lower than the portion that has the dormer. He said that on the right elevation, the fascia board is lower than the existing flat roof fascia. He said that there was no change to the area of the space calculations or lot coverage. He said that they spoke with the Cohens, who still had issues that may not have been resolved.

A Board member said that if there is exterior lighting on the garage, there should be no horizontal light spillage. Mr. Lewandowski said that they can use dark sky fixtures.

Adam Cohen, 190 Washington Street, said that the proposed change will disrupt the character of the neighborhood and as the direct abutter who is most affected by this change, this will significantly disrupt or destroy their enjoyment. He said that when they bought their home 18 years ago they understood that the house next to them was less than 10 feet from the property line. He said that the neighbors are now proposing to double the mass that the Cohens will see along their property line and will make it feel very congested on that side of their house. He said that there is ample space to build on the west side of the property. He said that after the hearing, he received 14 unsolicited, harassing, abusive and mendacious from Ms. Pytlik in the span of about 18 hours that upset his whole family. He said that the purpose of the project is for Ms. Pytlik's mother to move in. He said that Ms. Pytlik lives in New York and is a professor at Columbia, which does not jibe with moving her mother into the house. He said that they have lived there for 18 years and have never seen Ms. Pytlik until a few months ago. He said that the house has two mail boxes. He said that he believes that the property is already being used for rental purposes and the ultimate purpose for this adjustment to the property is for some sort of monetary gain. He said that his main concern is how it will affect his property. He asked the Board to reject the application for the nonconforming property. The Chairman said that there are enforcement processes to go through to cover that if the Cohens think that it is being used as a two family dwelling. He said that the question before the Board is whether the proposed construction intensifies existing nonconformities and if it does, are the proposed changes more detrimental to the neighborhood than the existing nonconforming structure. Mr. Cohen said this negatively affects his property and he has the right to object.

#### Statement of Facts

The subject property is located on a corner lot, at 192 Washington Street, in a 10,000 square foot Single Residence District, with a minimum side yard setback of 3.3 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that demolition of an existing nonconforming garage, and construction of a new garage and a second story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks, on a corner lot, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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192 Washington Street

A Plot Plan, dated 3/8/21, stamped by Timothy R. Callahan, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 3/8/21, revised 6/22/21, prepared by LR Designs, and photographs were submitted.

On May 6, 2021, the Planning Board reviewed the petition and recommended that a special permit be approved.

## Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that demolition of an existing nonconforming garage, and construction of a new garage and a second story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks, will not result in the intensification of existing nonconformities, will not result in additional nonconformities, and will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing nonconforming garage, and construction of a new garage and a second story addition with less than required side yard setbacks, on an existing nonconforming structure with less than required side yard setbacks, in accordance with the submitted plot plan and revised construction drawings.

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

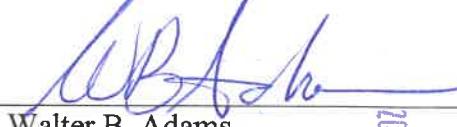
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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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.

  
J. Randolph Becker

  
David G. Sheffield

  
Walter B. Adams

2021 JUL 15 P 12:59  
WELLESLEY TOWN CLERK

ZBA 2021-40  
Applicant Yvonne & Mark Pytlik  
Address 192 Washington Street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

  
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm

LOT AREA= 12,931 S.F.T.

N  $42^{\circ} 18'57''$   
W  $71^{\circ} 16'09''$

PLOT PLAN  
PROPOSED ADDITION  
PARCEL ID# 53-77  
192 WASHINGTON STREET  
WELLESLEY, MA

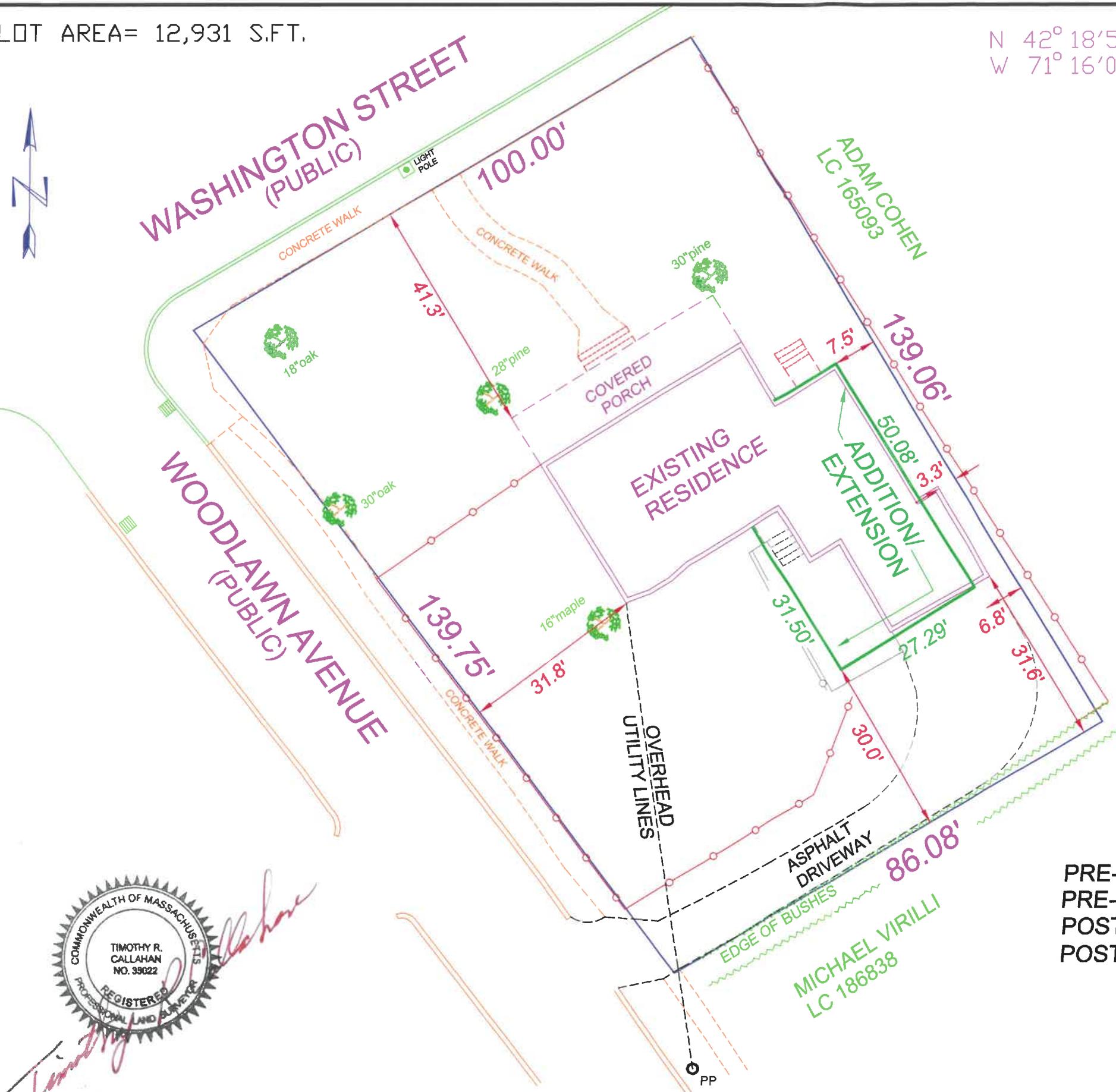
MARK M. & YVONNE PYTLIK  
OWNERS  
LC 142362

ZONED: SINGLE RESIDENCE 10  
MIN. AREA= 10,000 S.F.T.  
MIN. FRONTAGE = 60'

BUILDING SETBACKS:  
FRONT = 30'  
REAR = 10'  
SIDE = 20'

PER FIRM MAP, TOWN OF WELLESLEY, MA  
SUFFOLK COUNTY, PANEL#25021C0009E  
EFFECTIVE DATE: JULY 17, 2012  
THIS SITE IS IN ZONE "X"

PRE-EXISTING LOT COVERAGE = 2,351 S.F.T.  
PRE-EXISTING LOT COVERAGE % = 18.18%  
POST-CONSTRUCTION LOT COVERAGE = 2,556 S.F.T.  
POST LOT COVERAGE % = 19.77%



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