

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

2005 JAN -5 P 2:22

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2004-80
Petition of Debra and Theodore Takacs
26 Rice Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 18, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of DEBRA AND THEODORE TAKACS, requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing 24 foot by 30.5 foot garage, with less than required right side yard setback, and construction of a 24 foot by 30.5 foot garage, with less than required right side yard setback, at 26 RICE 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 November 8, 2004, the petitioner 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 Debra Takacs, who said that the builder had demolished the existing garage.

The Board clarified that the Takacs had previously been granted a Special Permit to fill in an area between the house and existing garage. The proposal under the previous petition was to raise the ridge line of the garage. Ms. Takacs said that the contractor demolished the garage. The petitioners are requesting a Special Permit to construct a new garage.

The Board asked if the new garage is further away from the lot line. Ms. Takacs said that it has been pulled in from 5.5 feet to 6.5 feet from the property line and the lot coverage has been reduced from 25% to 20%.

The Board asked about the height of the garage. Ms. Takacs said that the ridge line on the new garage is 3 feet higher because they are going to install a hip roof, which matches the rest of the house. They are looking to gain storage space. The Board confirmed with Ms. Takacs that the space above the garage would not be converted to living space.

Ms. Takacs submitted a letter from Allan Engel, M.D. stating that timely completion of the home renovation/adaptability would be beneficial for Ms. Takacs's mother.

The Board said that the submitted plans were not informative as to use of areas. The Board asked where the wheelchair lift will be located.

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The Board noted that the Planning Board recommended that no second story be allowed or that the space is constructed so that it is only suitable for storage.

Statement of Facts

The subject property is located at 26 Rice Street, in a 10,000 square foot Single Residence District and has a minimum left side yard setback of 10.2 feet and a minimum right side yard setback of 5.5 feet.

The petitioner is requesting a Special Permit/Finding that demolition of an existing 24 foot by 30.5 foot garage, with a minimum right side yard setback of 5.5 feet, and construction of a 24 foot by 30.5 foot garage, with a minimum right side yard setback of 6.5 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 6/21/04, stamped by John Caffrey, Registered Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 9/20/04, prepared by Kyle Conlon/Design, and photographs were submitted.

On November 16, 2004, the Planning Board reviewed the petition and had no objection to granting the request.

Decision

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

It is the finding of this Authority that demolition of an existing 24 foot by 30.5 foot garage, with a minimum right side yard setback of 5.5 feet, and construction of a 24 foot by 30.5 foot garage, with a minimum right side yard setback of 6.5 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the construction of the garage shall neither intensify the existing nonconformance, nor shall it create new nonconformity, as the right side yard setback shall be increased.

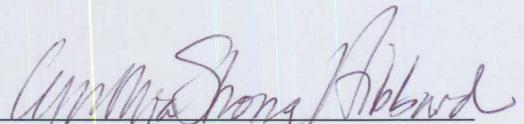
Therefore, a Special Permit is granted, as voted unanimously by this Authority, for the demolition of the 24 foot by 30.5 foot garage and construction of the 24 foot by 30.5 foot garage, subject to the following conditions:

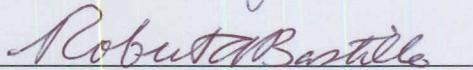
1. that there be no plumbing in the garage
2. submittal of revised floor plans that show the use of the areas
3. submittal of a plot plan that meets current Board of Appeals requirements.

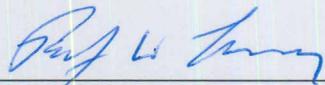
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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
Irm


Cynthia S. Hibbard, Acting Chairman


Robert A. Bastille


Robert W. Levy

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PLOT PLAN FOR PROPERTY IN WELLESLEY, MA

Applicant: *THEODORE TAKACS*

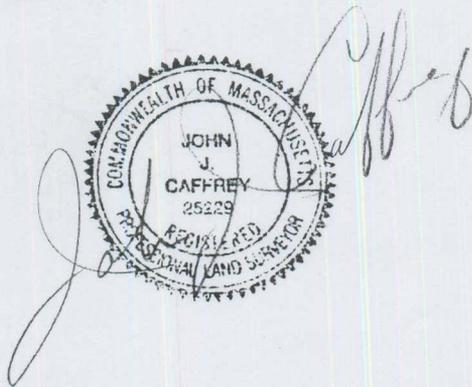
Property Location: *26 RICE STREET*

Lot Area:

ZBA 2004-80

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2005 JAN 27 P 1:36

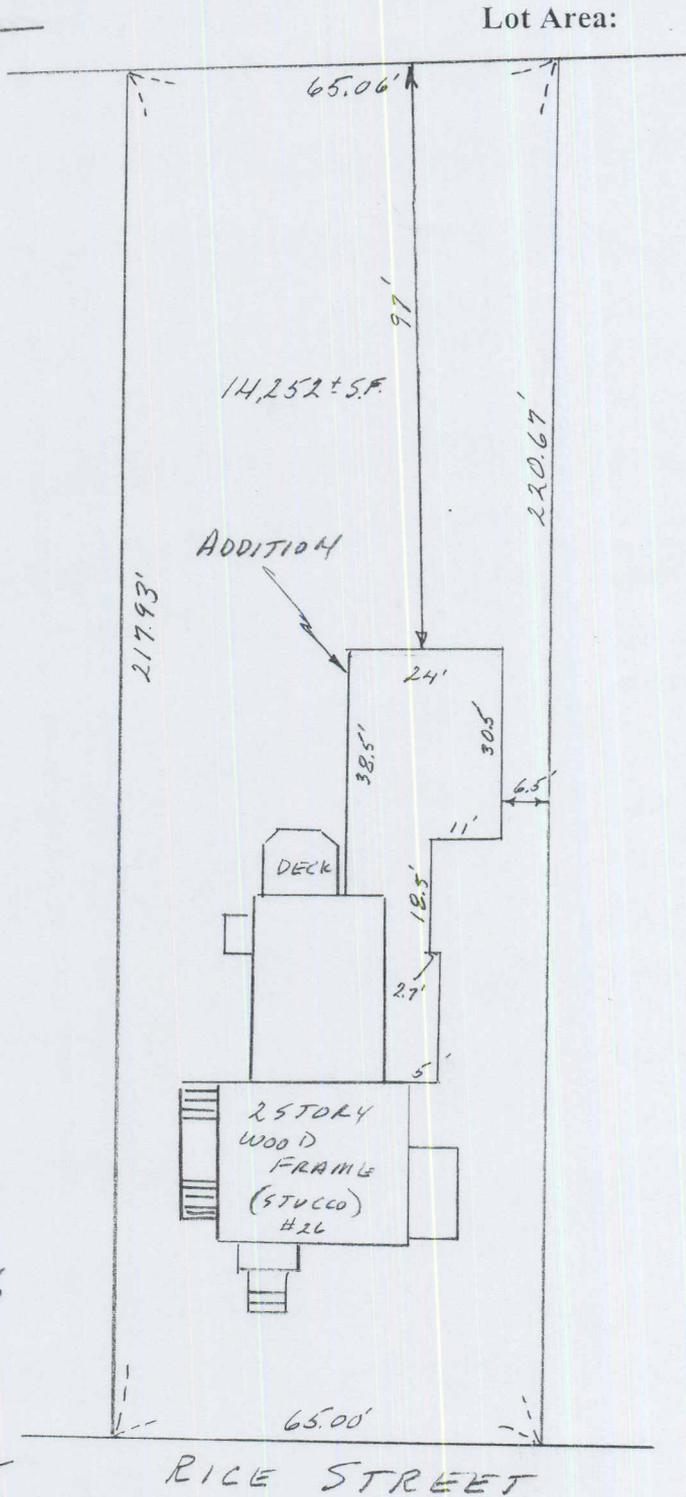


LOT COVERAGE - 20%

Scale: 1" = 30'

Date: 14 JANUARY 2005

File No: 70-01



CAFFREY ASSOCIATES, INC.

24 Granison Road, Weston, MA 02493 (781) 891-9222