

**ZONING BOARD OF APPEALS**

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ZBA 2007-04
Petition of George Thomas
15 Fuller Road

Petition of GEORGE THOMAS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that a 2 foot by 26.5 foot extension of a previously approved 1-story addition with less than required side yard setbacks, at 15 FULLER ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 18, 2006, 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 Tom Saltsman, Architect, who said that he was representing Mr. Thomas (the "Petitioner"). Mr. Saltsman said that the Petitioner had been granted a Special Permit for a garage with a dimension of 35 feet from Fuller Road. He said that the Petitioner is requesting that garage/office addition be allowed to extend closer to Fuller Road by two feet.

Mr. Saltsman said that lot coverage will increase from 20.6 percent to 21 percent.

Mr. Saltsman said that the garage/office addition will be set back four feet from the front of the house.

The Board said that the Plot Plan incorrectly states that the property is located within a Limited Residence District. The property is located in a Single Residence District.

There was no other person present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located on a corner lot at 15 Fuller Road, in a 10,000 square foot Single Residence District, with a minimum side yard setback of 10.3 feet.

The Petitioner is requesting a Special Permit/Finding that a 2 foot by 26.5 foot extension of a previously approved 1-story addition with less than required side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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On June 2, 2006, the Zoning Board of Appeals, acting as the Special Permit Granting Authority, approved Special Permit ZBA 2006-43, to enclose a 5 foot by 9.2 foot porch with a minimum side yard setback of 12.3 feet, to construct a 7 foot by 10.5 foot two-story addition with a minimum side yard setback of 14.7 feet, and to reconstruct a one-story garage with a minimum side yard setback of 10.3 feet.

A plot plan dated 12/13/06, stamped by Rod D. Carter, Professional Land Surveyor, and Existing and Proposed Floor Plans and Elevation Drawings, dated 12/12/06, drawn by Thomas Saltsman were submitted.

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 although a 2 foot by 26.5 foot extension of a previously approved 1-story addition with less than required side yard setbacks is increasing a nonconformity, such increase shall 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 a 2 foot by 26.5 foot extension of a previously approved 1-story addition, in accordance with the submitted plot plan and 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.

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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.

Richard L. Seegel, Chairman

J. Randolph Becker

Robert C. Sechrest

cc: Planning Board
Inspector of Buildings
lrm