

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02181-5992

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WELLESLEY, MA 021811998 JUN -2 A 8:08
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ZBA 98-44

Petition of Mark D. and Sally B. Miller
67 Fairbanks Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 21, 1998 at 8 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of MARK D. AND SALLY B. MILLER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following additions to their nonconforming dwelling, with less than the required right and left side yard setbacks, at 67 FAIRBANKS AVENUE, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling:

1. Raising the ridge line of the garage roof 10 feet to accommodate a 16.5 foot by 19 foot second story addition which will have less than the required right side yard setback. There will be no change in the footprint.
2. A one-story addition 22.3 feet by 29.5 feet which will have less than the required right side yard setback.

On April 30, 1998, the petitioners 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 Mark Miller, who said that they have owned the 65 year old colonial for 5 years. They would like to modernize and expand their home. The kitchen will be remodelled and enlarged to include a breakfast room and mudroom at the rear. The master bedroom and bath would be added above the garage.

The Board asked how close the right side abutter was to the lot line. Mr. Miller said that it was more than 10 feet but less than 20 feet. The right side abutters have no problem with the additions. The second story addition will have no windows on the right side.

The Board commented that the Planning Board had recommended denial as the addition will bring the active living area closer to the right side line. Mr. Miller said that the neighborhood is fully developed. Most of the houses were built with 10 foot side yard setbacks, and many neighbors have built additions in the past few years.

No other person present had any comment on the petition.

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Statement of Facts

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The subject property is located at 67 Fairbanks Avenue, in a Single Residence District, on a 14,032 square foot lot, and has a minimum left side yard clearance of 10 feet and a minimum right side yard clearance of 10.2 feet.

The petitioners are requesting a Special Permit/Finding that the raising of the ridge line of the garage roof 10 feet to accommodate a 16.5 foot by 19 foot second story addition, with a minimum right side yard clearance of 10.5 feet; and construction of a one-story 22.3 foot by 29.5 foot addition, with a minimum right side yard clearance of 15.9 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling.

A plot plan dated 4/22/98, drawn by John J. Michaelson; Floor Plans and Elevations dated April 17, 1998, drawn by Vincent Codispoti, Jr., Architect; and photographs were submitted.

On May 12, 1998, the Planning Board reviewed the petition and recommended denial of the request as the project would bring the active living space closer to the side line than the existing building and would add more bulk within the required setback area.

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 finding of this Authority that the proposed second story addition and one-story addition shall not be substantially more detrimental to the neighborhood because the second story addition does not result in a change in the footprint and the one-story addition will be less nonconforming than the existing nonconforming dwelling.

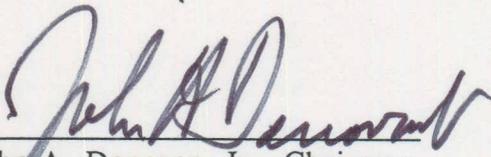
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the construction of both the second story and one-story additions, subject to construction in accordance with the submitted plot plan and construction drawings.

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.

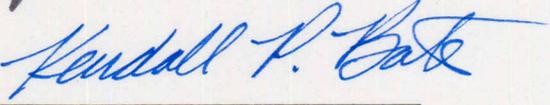
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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Inspector of Buildings
edg



John A. Donovan, Jr., Chairman

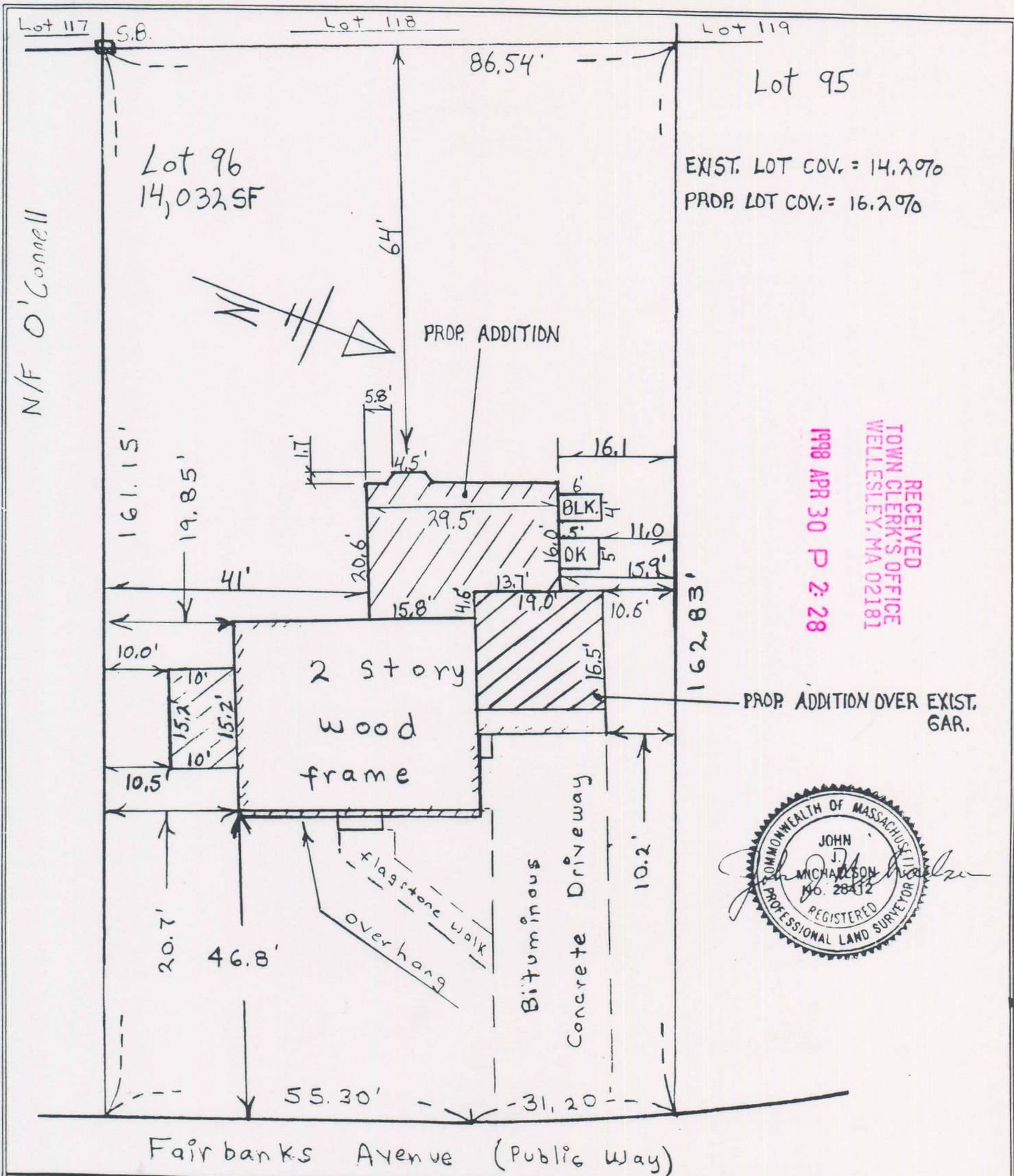


Kendall P. Bates



William E. Polletta

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Fairbanks Avenue (Public Way)

Owner: Mark D. + Sally B. Miller
 Address: 67 Fairbanks Avenue
 Wellesley, Mass
 Date: 4-22-98
 Scale: 1" = 20'

Deed Book: 690 Page: 149
 Title Cert. No.: L.C. 87808
 County: Norfolk
 Registration Book 440 - Page 6
 Professional Survey
 Arlington, Mass. 617-646-1839