

**ZONING BOARD OF APPEALS**

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ZBA 2007-22

Petition of Diogo Teixeira and Christine Halkiotis  
9 Livermore Road

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Petition of Diogo Teixeira And Christine Halkiotis requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of an 18.75 foot by 18.9 foot one-story addition to an existing nonconforming garage with less than required right side yard setbacks, in a 20,000 square foot Single Residence District, at 9 Livermore Road, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 17, 2007, 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 Diogo Teixeira (the "Petitioner"), who said that the existing two-car garage was built in 1935. He said that there are five cars in the family that are frequently parked in the driveway.

Mr. Teixeira said that the proposal is add 18.9 feet of length to the garage. The 18.7 foot width and the 13 foot height of the existing garage will be extended back.

Mr. Teixeira said that he plans to update the garage doors to standard roll-up automatic doors.

Mr. Teixeira said that there is a five foot fence between them and their neighbor as well as a fair number of tall trees. He said that his garage is set back behind the back of the neighbor's house.

The Board asked Mr. Teixeira why the garage was not put at the left side of the house where it could meet all of the setback requirements. Mr. Teixeira said that they have invested heavily in the landscaping on the property and would not put a garage or driveway there. The Board said that the grades on the left hand side of the house are difficult.

There was no member of the public present who wished to speak to the petition.

### Statement of Facts

The subject property is located at 9 Livermore Road, in a 20,000 square foot Single Residence District, with a minimum right side yard setback of 6.3 feet.

The Petitioner is requesting a Special Permit/Finding that construction of an 18.75 foot by 18.9 foot one-story addition to an existing nonconforming garage with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 2/22/07, stamped by Carmelo Frazetti, Registered Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 3/20/07, drawn by Diogo Teixeira, and photographs were submitted.

On May 1, 2007, the Planning Board reviewed the petition and recommended that the request be denied.

### 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 construction of an 18.75 foot by 18.9 foot one-story addition to an existing nonconforming garage with less than required right 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 construction of an 18.75 foot by 18.9 foot one-story addition to an existing nonconforming garage, 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.

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Richard L. Seegel, Chairman

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Cynthia S. Hibbard

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David G. Sheffield

cc: Planning Board  
Inspector of Buildings  
lrm  
cc: Planning Board