

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

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ZBA 2001-82  
Petition of Debra A. and Theodore P. Takacs  
26 Rice Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 25, 2001 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of DEBRA A. AND THEODORE P. TAKACS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of their conforming deck and construction of a one-story addition, of which the 21 foot by 15 foot portion is conforming, but the 8 foot by 36 foot portion will have less than the required right side yard setback, as their nonconforming dwelling with less than the required right and left side yard setbacks, at 26 RICE STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 9, 2001, 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 Theodore Takacs, who said the reason for their request is that his mother-in-law, who lives with them, is in a wheelchair. They would like to relocate the wheelchair lift into the garage, which will be turned to face the other direction. They have already received a curb cut from the Board of Selectmen to relocate the driveway on Rice Street. They will still enter from Rice Street, but the doors of the garage would be relocated from the west side to the north side. The roof of the garage has to be raised 1.5 feet to accommodate the height of the wheelchair van.

The Board noted that additional space would be gained in the house. Mr. Takacs said the additional space will be used as a family room/sun porch.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 26 Rice Street, in a Single Family District, on a 14,252 square foot lot, with a minimum left side yard clearance of 10.2 feet and a minimum right side yard clearance of 5.5 feet from the existing detached garage.

The petitioners are requesting a Special Permit/Finding that the demolition of an existing conforming deck and construction of a conforming 15 foot by 21 foot one-story addition, which will extend across the rear of the dwelling and attach to the garage, and an 8 foot by 36 foot addition, with a minimum right side

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yard clearance of 16.5 feet, which will connect to the garage and extend along the right side of the ZBA dwelling, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated September 7, 2001, revised September 27, 2001, stamped by John J. Caffrey, Registered Land Surveyor; Existing and Proposed Floor Plans and Elevations dated October 1, 2001, drawn by John Staniunas Associates; and photographs were submitted.

On October 16, 2001, the Planning Board reviewed the petition and had no objection to the granting of the Special Permit as the massing and bulk of the project appeared to be in keeping with the neighborhood pattern.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. Both the subject dwelling and the detached garage do not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

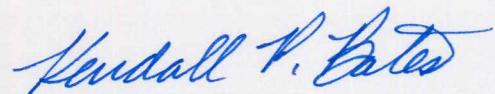
It is the finding of this Authority that the construction of the 8 foot by 36 foot one-story portion of the connection between the dwelling and the detached garage shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as it will neither intensify the existing nonconformance, nor create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the 8 foot by 36 foot one-story addition, with less than the required right side yard setback, 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.

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.

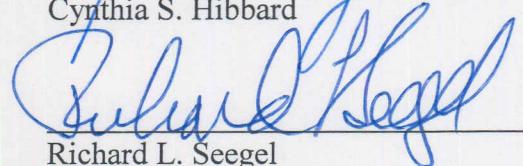
Cc: Planning Board  
Inspector of Buildings  
edg



Kendall P. Bates, Chairman



Cynthia S. Hibbard

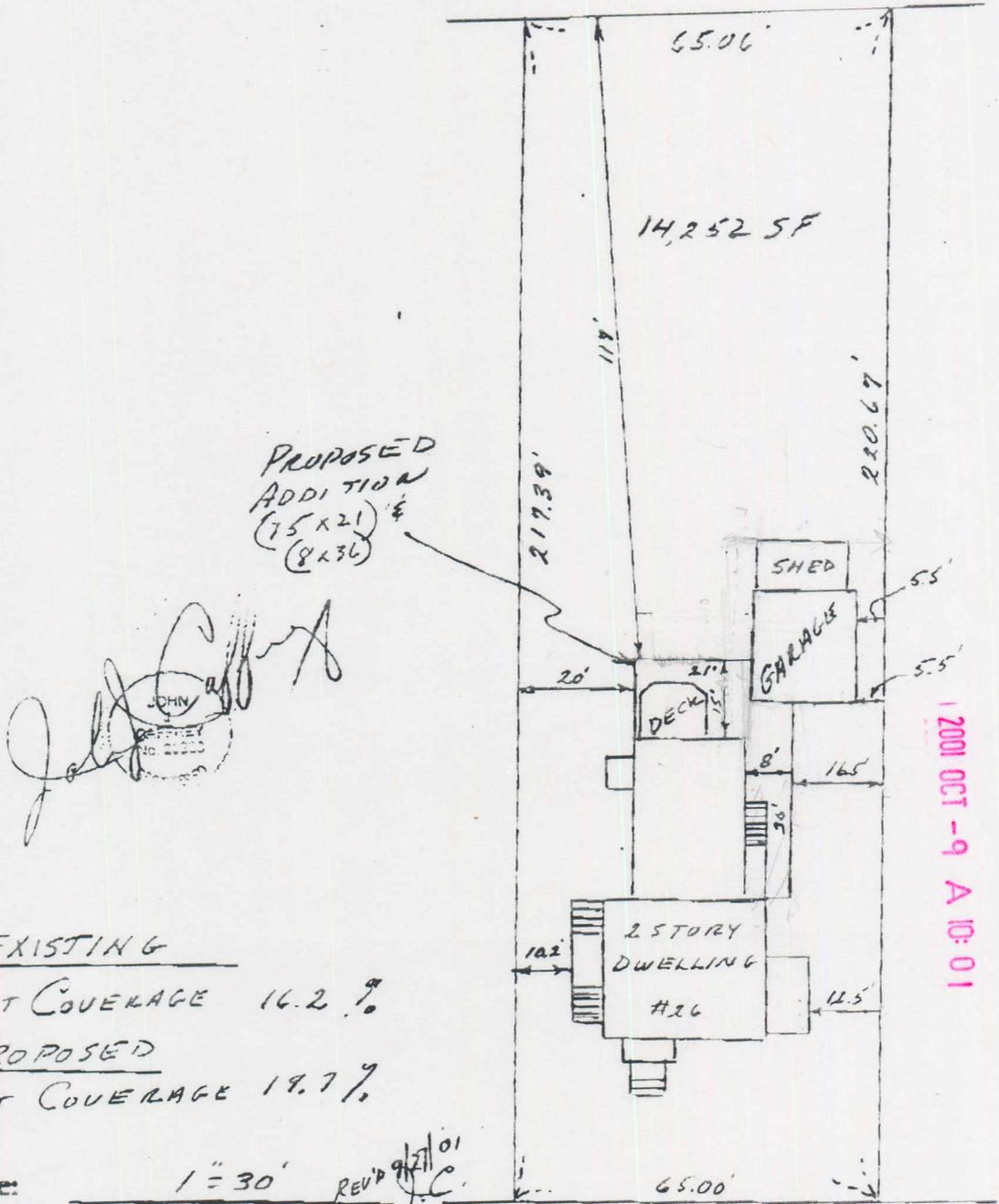


Richard L. Seegel

# PLOT PLAN FOR PROPERTY IN WELLESLEY, MA

Applicant:

Property Location: 26 RICE STREET



*John Caffrey*  
 JOHN CAFFREY  
 No. 02282

EXISTING  
 LOT COVERAGE 16.2 %

PROPOSED  
 LOT COVERAGE 19.7 %

Scale: 1" = 30' REV'D 9/27/01  
 Date: 7 SEPT. 2001  
 File No: 70-01

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**CAFFREY ASSOCIATES, INC.**  
 24 Grannison Road, Weston, MA 02493 (781) 891-9222