

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 2002-20
Petition of Stuart and Lia Tischler
3 Pine Plain Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 28, 2002 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of STUART AND LIA TISCHLER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the demolition of their existing two-story dwelling at 3 PINE PLAIN ROAD, in a 10,000 square foot Single Residence District; and construction of a new 48 foot by 37 foot two-story dwelling, which conforms to current zoning requirements of setback, percentage of lot coverage and total square footage of footprint on an 8,633 square foot lot, in a district in which the minimum lot size required is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 11, 2002, 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 were Stuart and Lia Tischler. Mr. Tischler said they would like to take down their existing house and build a new conforming house.

The Board asked what was the distance between the side of the proposed house and the existing nonconforming garage. Mr. Tischler said it was about 3 feet. The Board asked if the garage could be build beneath the proposed house. Mr. Tishler replied that the lot is flat, and it would be very costly to site the garage under the house. If the garage was demolished, it couldn't be rebuilt in the same location, and there is not sufficient space to locate it in a conforming manner without taking up most of the back yard. They would rather fire wall the existing garage than rebuild it in another location.

The Board noted that the Planning Board also observed that the garage would be very close to the house.

The Board commented that other properties in the neighborhood have garages that are 2 to 3 feet from the dwellings. Mr. Tischler said their next door neighbor has the same situation. None of the neighbors have any objection to the project. The eave soffit will not exceed the height of 28 feet. Their intention is to maintain the scale of the neighborhood.

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 3 Pine Plain Road, in a 10,000 square foot Single Residence District, on an 8,633 square foot lot, which contains a two-story dwelling and a nonconforming 18 foot by 11 foot garage with a minimum left side yard setback of 8 feet.

The petitioners are requesting a Special Permit/Finding that the demolition of the existing dwelling and construction of a two-story 48 foot by 37 foot dwelling on an 8,633 square foot lot in a district in which the minimum lot size required is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing structure. The proposed structure will have a conforming front setback of 30 feet; a conforming right side setback of 20 feet; a conforming rear setback of 27 feet and a conforming left side setback of 23 feet, and will cover 21.6 % of the lot or 1,825 square feet.

A Plot Plan depicting existing conditions, dated July 17, 2000, and a Plot Plan depicting proposed conditions dated February 1, 2002, both drawn by Philip L. Pattison, Registered Land Surveyor; Existing and Proposed floor plans and elevations dated 2/04/02, drawn by A.J. Feith of Garrison Home Design; and photographs were submitted.

On February 26, 2002, the Planning Board reviewed the petition, and expressed concern about the close proximity of the proposed house to the existing garage.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The square footage of the lot does not conform to the district in which it is located, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the demolition of the existing structure and construction of the proposed 48 foot by 37 foot two-story structure, with a total footprint of 1,825 square feet and conforming setbacks from all four property lines, on the 8,633 square foot lot, shall not be substantially more detrimental to the neighborhood as the proposed structure is in compliance with the current Zoning Bylaw requirement and with proposed zoning bylaw amendments, and is in keeping with the character of the neighborhood in which it is located.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the demolition and construction of the new dwelling in accordance with the submitted plot plan dated February 1, 2002 and the construction drawings.

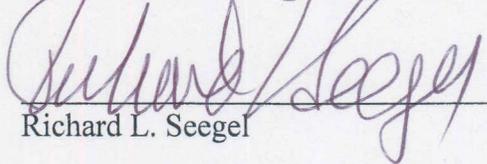
The Inspector of Buildings is hereby authorized to issue a permit for demolition of the existing dwelling and construction of the proposed dwelling upon receipt and approval of a building application and detailed construction plans.

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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.

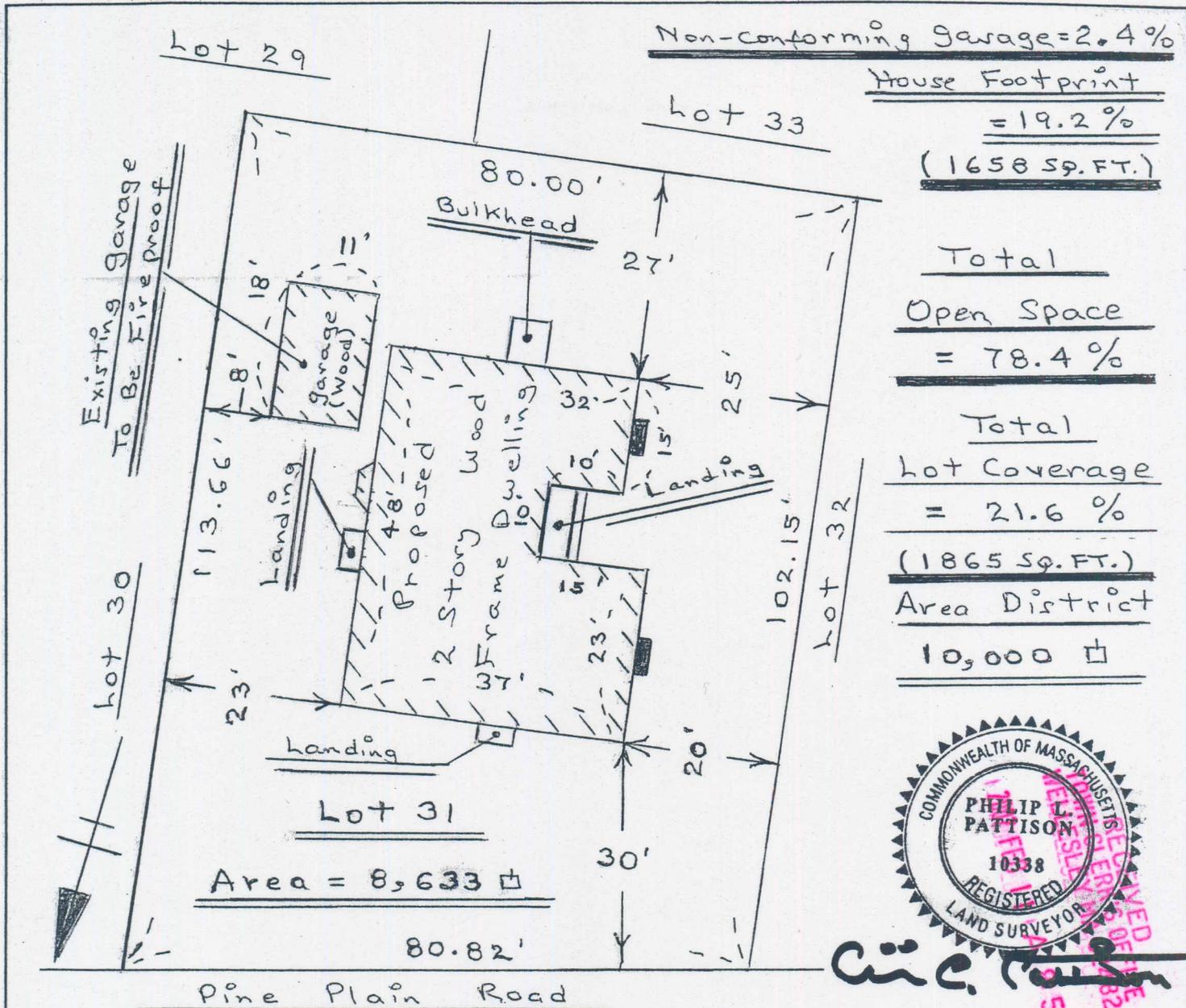
Cc: Planning Board
Inspector of Buildings


Kendall P. Bates, Chairman


Richard L. Seegel


J. Randolph Becker

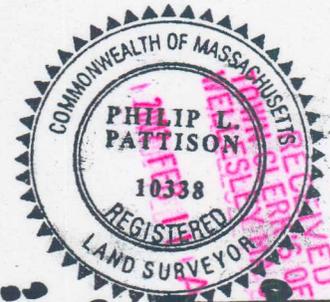
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Non-conforming Garage = 2.4%
House Footprint
= 19.2%
(1658 sq. ft.)

Total
Open Space
= 78.4%

Total
Lot Coverage
= 21.6%
(1865 sq. ft.)
Area District
10,000 □



Handwritten signature: C. E. [unclear]

The dwelling/building setbacks (if any) shown on this plot plan are measured from building siding unless otherwise noted.

This plot plan is to be used only by the owner listed below, and contains only as much accuracy as is required to obtain a permit for the proposed improvements shown hereon (if any). Setbacks (distances shown from proposed or existing improvements to property lines) cannot be used to establish property lines or to locate fences, landscaping, or any other improvements not shown on this plan.

The surveyor is not responsible for takings, easements or conveyances not contained in the deed provided (or referenced) by client or by the local municipal Assessor or Engineer.

Name: Stuart I. Tischler
 Address: 3 Pine Plain Road
Wellesley, Mass.

Deed Book: 14289 Page: 267
 Plan: Filed: 1834-361
Year 1929-105
 County Registry: Norfolk (Dedham)

Scale: 1" = 20' Date: 02-01-02

Philip L. Pattison, P.E. & P.L.S.
 17 Snake Brook Road
 Wayland, MA 01778