

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

RICHARD L. SEEGEL, CHAIRMAN
CYNTHIA S. HIBBARD, VICE CHAIRMAN
DAVID G. SHEFFIELD

ELLEN D. GORDON
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 208

ROBERT A. BASTILLE
J. RANDOLPH BECKER
ROBERT W. LEVY

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
JAN 15 A 8:17

ZBA 2004-1
Petition of Jay and Gayle Fishman
383 Linden Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 8, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of JAY AND GAYLE FISHMAN requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a one-story 25.3 foot by 20 foot addition with less than the required left side yard setback, and a 19.4 foot by 19 foot deck with less than the required right side yard setback, at their nonconforming dwelling with less than the required right and left side yard setbacks, at 383 LINDEN STREET, 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 15, 2003, 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 Gayle Fishman, who was accompanied by her architect, Michael Collins. Mr. Collins said the submitted plot plan clearly indicates the scope of the project. At no point shall the proposed addition be any closer to the left side lot line than the existing house. The same is true for the proposed deck in regard to the right side lot line.

Mr. Collins explained that the addition would contain a kitchen and an eating area. An existing enclosed porch, which has functioned as a breakfast room/mud room, will be demolished. The addition will be one story. There is a large existing beech tree at the right rear side of the house, which will be maintained. The proposed deck is carved out in order for the tree to remain.

The Board noted that the Planning Board had no objections to granting the Special Permit.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 383 Linden Street, in a 10,000 square foot Single Residence District, on a 9,002 square foot lot, and has a minimum left side yard setback of 13.1 feet, and a minimum right side yard setback of 11.2 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a 25.3 foot by 20 foot one-story addition with a minimum left side yard setback of 17.3 feet, and a 19 foot by 19.4 foot deck with a

ZBA 2004-1
Petition of Jay and Gayle Fishman
383 Linden Street

minimum right side yard setback of 11.2 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 11/20/03, stamped by James W. Bougioukas, Registered Land Surveyor; Existing and Proposed Floor Plans and Elevation drawings dated October 29, 2003, drawn by D. Michael Collins, Architects; and photographs were submitted.

On January 6, 2004, the Planning Board reviewed the petition and had no objection to granting the petition. The proposed addition does not further decrease the side yard setbacks. Mass and bulk do not appear to be an issue, and the addition is within the 25% maximum lot coverage allowed.

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.

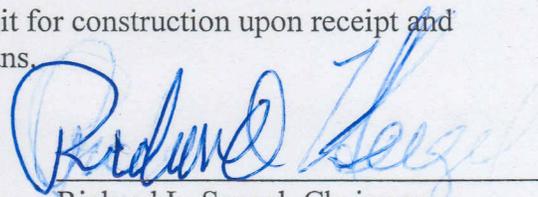
It is the finding of this Authority that neither the construction of the one-story 25.3 foot by 20 foot addition with a minimum left side yard setback of 17.3 feet, nor the construction of the 19.4 foot by 19 foot deck with a minimum right side yard setback of 11.2 feet shall be substantially more detrimental to the neighborhood than the existing nonconforming structure, as neither the addition nor the deck shall intensify the existing nonconformance, nor shall either create new nonconformity.

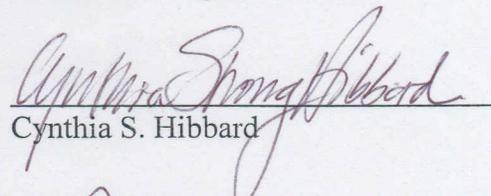
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the one-story addition and the deck in accordance with the submitted plot plan and construction drawings.

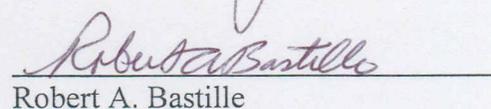
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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


Richard L. Seegel, Chairman


Cynthia S. Hibbard


Robert A. Bastille

2004 JAN 15 11:08 AM
RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482

