



ZONING BOARD OF APPEALS

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

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ZBA 2004-3

Petition of Steven and Margaret Fischer
 19 Thackeray Road

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 STEVEN AND MARGARET FISCHER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a second story 6 foot by 6 foot dormer above an existing nonconforming garage with less than the required right side yard setback, at their nonconforming dwelling with less than the required right side yard setback, at 19 THACKERAY ROAD, in a 15,000 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 were Steven and Margaret Fischer, who were accompanied by their contractor, Charles Crivo. Mr. Fischer said their project consists of a 6 foot by 6 foot dormer window at the rear of the house. One of the bedrooms is above the existing garage, which has less than the required right side yard setback. The dormer would provide more light in the bedroom, which currently has light only from the north side. The footprint would not be increased.

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

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 19 Thackeray Road in a 15,000 square foot Single Residence District, on a 15,189 square foot lot, and has a minimum right side yard setback of 11.7 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a 6 foot by 6 foot dormer with a minimum right side yard setback of 18.4 feet, above their existing nonconforming garage with a minimum right side yard setback of 11.7 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There shall be no change in the footprint.

A Plot Plan dated December 9, 2003, stamped by Bruce Bradford, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevation drawings dated 12/08/03, prepared by Over C Properties, Inc.; and photographs were submitted.

ZBA 2004-3

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On January 7, 2004, the Planning Board reviewed the petition and had no objection to granting the Special Permit. The proposed dormer does not further decrease the right side yard setback. Mass and bulk are not an issue. The proposed lot coverage is within the 20% maximum allowed.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the Public Hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

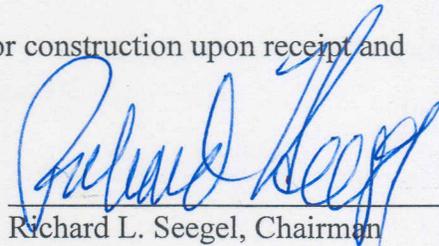
It is the finding of this Authority that the construction of the 6 foot by 6 foot dormer with a minimum right side setback of 18.4 feet above the nonconforming garage with a minimum right side setback of 11.7 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the dormer shall neither intensify the existing nonconformance, nor shall it create new nonconformity as there shall be no change in the footprint.

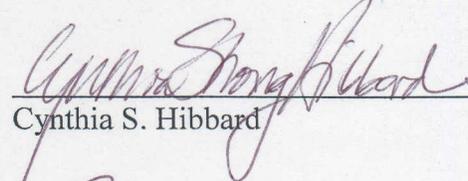
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the construction of the 6 foot by 6 foot dormer with a minimum right side yard setback of 18.4 feet, in accordance with the submitted plot plan and construction drawings.

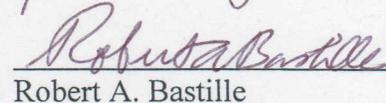
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

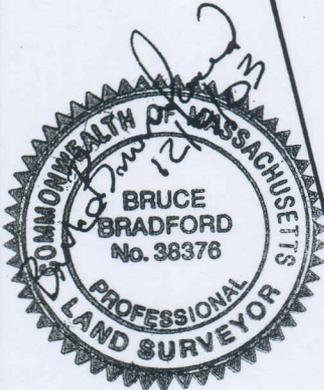

Cynthia S. Hibbard


Robert A. Bastille

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2003 DEC 15 A 9:02

THACKERAY ROAD



EXISTING:
STRUCTURES 1,552 S.F.
LOT COVERAGE 10.2%

PROPOSED:
STRUCTURES 1,922 S.F.
LOT COVERAGE 12.7%

PLAN OF LAND IN WELLESLEY, MA

19 THACKERAY ROAD
PROPOSED ADDITIONS

SCALE: 1 IN. = 20 FT.

DATE: DECEMBER 9, 2003

DRAWN: ER

CHECK: BB

PROJECT NO. 21544

ESTABLISHED 1916

EMB

EVERETT M. BROOKS CO.
SURVEYORS & ENGINEERS

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