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TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2004-49
Petition of Daniel and Diane Stempel
72 Fairbanks Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 12, 2004 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of DANIEL AND DIANE STEMPEL requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the enclosure of their existing 11.3 foot by 27.6 foot nonconforming porch with less than the required right side yard setback, at their nonconforming dwelling with less than required left and right side yard setbacks, at 72 FAIRBANKS AVENUE, in a 15,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 26, 2004, 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 Daniel Stempel. Mr. Stempel said that the existing nonconforming porch is on a slab on grade.

The Board asked if the porch was part of the original structure. The Board noted that the porch looked to be enclosed already.

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

Statement of Facts

The subject property is located at 72 Fairbanks Avenue, in a 15,000 square foot Single Residence District, and has a minimum right side yard clearance of 12.4 feet and a minimum left side yard clearance of 11.2 feet.

The petitioners are requesting a Special Permit/Finding that the enclosure of their existing 11.3 foot by 27.6 foot nonconforming porch with a minimum right side yard clearance of 12.4 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan dated 7/6/04, stamped and signed by Bruce Bradford, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevation Drawings, prepared by Woodworth Architects; and photographs were submitted.

On August 10, 2004, the Planning Board reviewed the petition and had no objection to granting the request.

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 the enclosure of their existing 11.3 foot by 27.6 foot nonconforming porch with a minimum right side yard setback of 12.4 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as enclosure of the porch shall neither intensify the existing nonconformance, nor shall it create new nonconformity as the right side yard setback shall remain the same.

Therefore, a Special Permit is granted, as voted unanimously by this Authority, for enclosure of the existing 11.3 foot by 27.6 foot porch 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.

David G. Sheffield, Acting Chairman

Robert A. Bastille

Robert W. Levy

Cc: Planning Board
Inspector of Buildings
lrm

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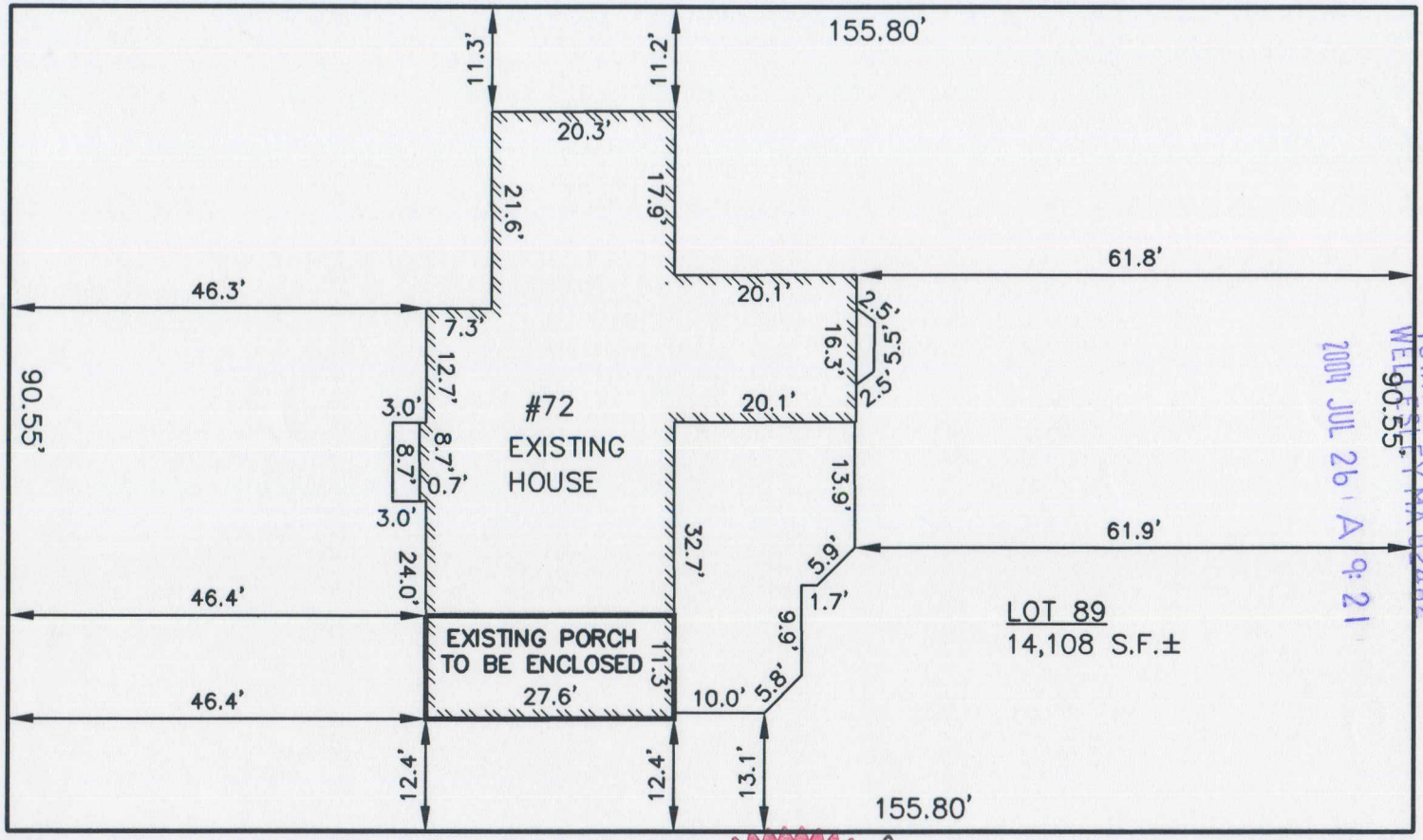

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WEST NEWTON, MA 02465
(617) 527-8750
(617) 332-1578 FAX
info@everettbrooks.com

EXISTING
STRUCTURES 2,603 S.F.
LOT COVERAGE 18.5%

PROPOSED
STRUCTURES 2,603 S.F.
LOT COVERAGE 18.5%

COMMONWEALTH OF MASSACHUSETTS
BRUCE BRADFORD
No. 38376
PROFESSIONAL LAND SURVEYOR
7/6/04

PLAN OF LAND IN WELLESLEY, MA

72 FAIRBANKS ROAD
PROPOSED ADDITIONS

PREPARED FOR:
DIANE STEMPEL

SCALE: 1 IN.= 20 FT.
DATE: JULY 6, 2004
DRAWN: ER/ ES
CHECK: BB

PROJECT NO. 21812