

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2006-33
Petition of George Thomas
15 Fuller Road

Petition of GEORGE THOMAS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing nonconforming first floor porch with less than required side yard setback, on a corner lot at 15 FULLER ROAD, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On March 22, 2006, the petitioner 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 Tom Saltzmann who said that he is representing Mr. Thomas. He said that the rear setback is nonconforming.

The Board said that the property is located on a corner lot. The rear yard is treated as a side yard with respect to setbacks.

The Board said that the area that they are asking to enclose is already part of the mass of the house.

Mr. Saltzmann said that there is an unusual bulkhead condition there.

Statement of Facts

The subject property is located at 15 Fuller Road, on an 11,076 square foot corner lot, with a minimum side yard setback of 12.3 feet.

The petitioner is requesting a Special Permit/Finding that enclosure of an existing nonconforming first floor porch with less than required side yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 3/14/06, stamped by Rod D. Carter, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, prepared by Thomas Saltsman, and photographs were submitted.

On March 30, 2006, the Planning Board reviewed the petition and had no objection to granting the request.

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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 enclosure of an existing nonconforming first floor porch with less than required side yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as it will neither intensify the existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for enclosure of an existing nonconforming first floor 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.

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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.

Richard L. Seegel, Chairman

Cynthia S. Hibbard

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm