

**ZONING BOARD OF APPEALS**

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

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ZBA 2008-35
Petition of Bernadette & John Dore
14 Thomas Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 12, 2008 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of BERNADETTE & JOHN DORE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing 11.5 foot by 11.5 foot one-story structure and construction of a 15.5 foot by 15.5 foot one-story structure with less than required right side yard setbacks, on a 9,932 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 14 THOMAS ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 27, 2008, 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 John Dore (the "Petitioner"), who said that they would like to increase the size of their kitchen. He said that they are looking for relief where there is an existing nonconforming side yard setback. He said that the existing one-story addition has a pier foundation and shed roof. The new addition will be a one-story structure with a full foundation. The new addition will be the same height as the existing addition and will have a hip roof. The gable end on the neighbor's side will be eliminated. The new addition will abut the neighbor's driveway and garage.

The Board said that the proposed addition is set in from the face of the wall of the house and the proposed roof is simpler.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject premises is located at 14 Thomas Road, on a 9,932 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 23 feet and a minimum right side yard setback of 10.8 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing 11.5 foot by 11.5 foot one-story structure and construction of a 15.5 foot by 15.5 foot one-story structure with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 4/10/08, stamped by Todd P. Chapin, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 4/7/08, drawn by Stephen D. Gagosian, Architect, and a photograph were submitted.

On June 2, 2008 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 although demolition of an existing 11.5 foot by 11.5 foot one-story structure and construction of a 15.5 foot by 15.5 foot one-story structure with less than required right side yard setbacks is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing 11.5 foot by 11.5 foot one-story structure and construction of a 15.5 foot by 15.5 foot one-story structure with less than required right side yard setbacks, 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.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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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 L. Grissino

cc: Planning Board
Inspector of Buildings
lrm