



## ZONING BOARD OF APPEALS

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

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ZBA 2012-41  
Petition of Margaret Flitsch  
47 Pleasant Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 7, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of MARGARET FLITSCH requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that temporarily moving an existing nonconforming garage off of a failing foundation, construction of a new foundation, and moving the garage back to the original location, with less than required right side yard setbacks, at 47 PLEASANT STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 22, 2012, 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 Margaret Flitsch (the "Petitioner"), who said that the garage is failing. She said that the foundation is in tough shape. She said that the plan is to make it safe.

Ms. Flitsch said that the plan is to pick the structure up and move it back while a new foundation is built. She said that the structure will then be moved back onto the new foundation. She said that the major reason for dealing with the garage in this manner is because they will be constructing an addition and they will need enough room for equipment to get through.

Ms. Flitsch said that the garage is an existing nonconforming structure. She said that it is located very close to the property line.

The Board said that the garage is an appurtenant structure to the residence. The Board said that it has traditionally considered similar requests as Special Permit/Findings.

The Board said that the garage is a separate structure from the house. The Board said that future construction should not attach the garage to the house.

The Board confirmed that the new garage will be the same size as the existing one.

### Statement of Facts

The subject property is located at 47 Pleasant Street, in a 10,000 square foot Single Residence District, with a minimum front yard setback of 22.6 feet and a minimum right side yard setback of 6 feet.

The Petitioner is requesting a Special Permit/Finding that temporarily moving an existing nonconforming garage off of a failing foundation, construction of a new foundation, and moving the garage back to the original location, 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 5/10/12, stamped by John R. Hamel, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 4/23/12, prepared by D.B.R. Construction, and photographs were submitted.

On June 5, 2012, the Planning Board reviewed the petition and recommended that the Special Permit be denied.

### 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 temporarily moving an existing nonconforming garage off of a failing foundation, construction of a new foundation, and moving the garage back to the original location, with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for temporarily moving an existing nonconforming garage off of a failing foundation, construction of a new foundation, and moving the garage back to the original location, 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



David G. Sheffield



Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
lrm



Garage Foundation Construction Plan  
47 Pleasant St

4/23/12

Designer: D.B.R. Const. P.O. Box 925 Wrentham, Ma. 02093

Applicant: Margaret Flitsch 47 Pleasant St, Wellesley

Floor Plans: Existing floor is 22'x24' concrete. Proposed floor will be the same

Elevation: Existing and proposed elevation will be the same

Height: Existing and proposed ridge line height from average ground level is

Workscope: Move 36" straight back from its present location and temporarily support existing garage. Remove existing failed block foundation and poured floor. Construct a new foundation at the same height as the former foundation and where the former one existed. Move garage back onto the new foundation.

