

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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ZBA 2006-43
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 a 5 foot by 9.2 foot porch, construction of a 7 foot by 10.5 foot two-story addition, and reconstruction of a one-story garage, 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 May 1, 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 was Thomas Saltsman, who said that he is the Architect representing the Thomases. He said that they were before the Board at the previous hearing with a petition to enclose a porch.

Mr. Saltsman said that they are proposing two changes. He said one is at the northeast corner where they are looking to extend the roof to give the area a porch-like look. He said that the house is on a corner lot and the affected setback would be the neighbor's side yard.

Mr. Saltsman said that the other piece of the project is on the southwest corner. He said that they would like to remove the garage and a poorly built addition. They propose to reconstruct with smaller garage doors and pull the two-story addition back.

Statement of Facts

The subject property is located at 15 Fuller Road, in a 10,000 square foot Single Residence District, with a minimum side yard setback of 10.3 feet.

The petitioner is requesting a Special Permit/Finding that enclosure of a 5 foot by 9.2 foot porch with a minimum side yard setback of 12.3 feet, construction of a 7 foot by 10.5 foot two-story addition with a minimum side yard setback of 14.7 feet, and reconstruction of a one-story garage with a minimum side yard setback of 10.3 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A plot plan dated 4/14/06, stamped by Rod Carter, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, drawn by Thomas Saltsman, and photographs were submitted.

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On May 9, 2006 the Planning Board reviewed the petition and had no objection to granting the request.

Decision

This Authority has made a careful study of the material 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 although enclosure of a 5 foot by 9.2 foot porch, construction of a 7 foot by 10.5 foot two-story addition, and reconstruction of a one-story garage, with less than required side yard setback 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 enclosure of a 5 foot by 9.2 foot porch, construction of a 7 foot by 10.5 foot two-story addition, and reconstruction of a one-story garage, 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.

Cynthia S. Hibbard, Acting Chairman

David G. Sheffield

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm