



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman  
ROBERT R. CUNNINGHAM  
KENDALL P. BATES

ELLEN D. GORDON  
Executive Secretary  
Telephone  
431-1019 X208

WILLIAM E. POLLETTA  
FRANKLIN P. PARKER  
SUMNER H. BABCOCK

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WELLESLEY, MA 02181

MAR 5 1993  
AM '93

ZBA 93-9

Petition of Howard K. and Kimberley R. Manning  
33 Thackeray Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 25, 1993 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of HOWARD K. AND KIMBERLEY R. MANNING requesting a Special Permit Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a one-story addition approximately 15 feet to the roof overhang by 46.6 feet, including a bay window approximately 8 feet by 7 feet by 2 feet, which will have less than the required right side yard setback, at the rear of their nonconforming dwelling with less than the required right side yard, at 33 THACKERAY ROAD, in a Single Residence District, will not be more detrimental to the neighborhood than the existing nonconforming structure.

On February 8, 1993, the petitioners requested a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Howard and Kim Manning, who were accompanied by their architect, Michael Collins. Mr. Collins said that the Mannings wish to expand their kitchen, including the enclosure of their existing screened porch. Due to the side yard setback, and the Mannings' desire to have an enclosed entry from the garage to the house for security reasons, a small portion of the back corner of the addition is nonconforming, but is less nonconforming than the existing house.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming dwelling is located at 37 Thackeray Road, in a Single Residence District, on a 16,020 square foot lot, with a minimum right side yard clearance of 13.96 feet from the right rear corner of the dwelling.

The petitioners are requesting a Special Permit Finding that the construction of a one-story addition approximately 15 feet to the roof overhang by 46.6 feet including a bay window approximately 8 feet by 7 feet by 2 feet, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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The proposed addition will have a minimum right side yard clearance of 19.53 feet and a conforming left side yard clearance of 25 feet to the center of the bay window.

A Plot Plan dated January 25, 1993, drawn by John J. Regan, Registered Professional Land Surveyor; floor plans and elevations drawn by Michael Collins & Associates; and photographs were submitted.

On February 17, 1993, the Planning Board reviewed the petition and voted to offer no comment.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the encroachment of .47 feet of the proposed addition on the right side lot line does intensify the existing nonconformity, but does not create an additional nonconformity, as the existing dwelling presently encroaches 6.04 feet on the right side lot line.

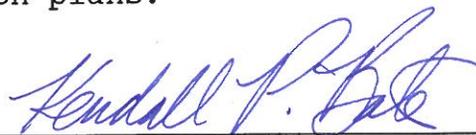
This Authority unanimously finds that the encroachment of the proposed addition is de minimus, both in and of itself, and in proportion to the existing encroachment of the subject nonconforming dwelling. This Authority further finds that the proposed one-story addition thus will not be substantially more detrimental to the neighborhood than the existing nonconforming structure subject to construction in accordance with the Plot Plan and construction sketches as submitted.

The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his 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.

cc: Planning Board  
Inspector of Buildings

edg



Kendall P. Bates, Acting Chairman

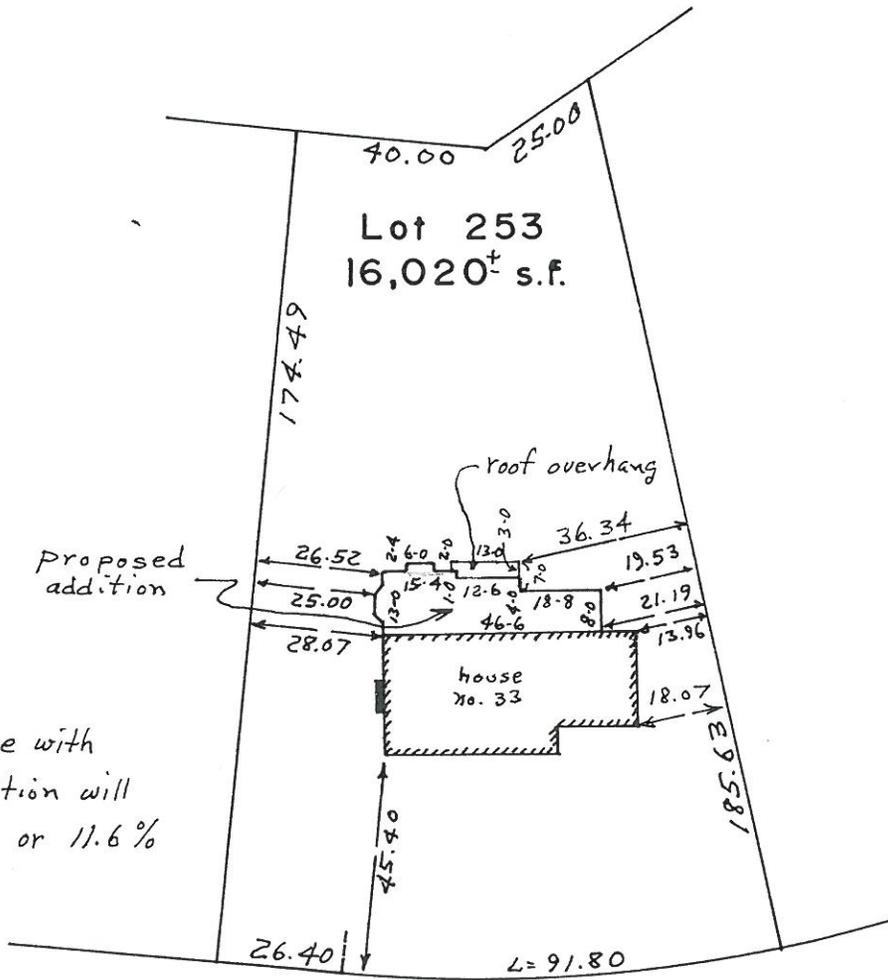


Robert R. Cunningham



William E. Polletta

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Note:  
 Lot coverage with  
 proposed addition will  
 be 1856± s.f. or 11.6%

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**THACKERAY ROAD**

**PLAN OF LAND  
 IN  
 WELLESLEY MASS.**

TO ACCOMPANY THE PETITION OF  
 HOWARD K. & KIMBERLEY R. MANNING  
 33 THACKERAY ROAD  
 WELLESLEY

SCALE 1 IN = 40 FT  
 JOHN J. REGAN  
 NEWTON HIGHLANDS

JAN. 25, 1993  
 LAND SURVEYOR  
 MASS.