



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

Oct 6 11 36 AM '95

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WELLESLEY, MA 02181

ZBA 95-64

Petition of Steven P. and Margaret M. Fischer  
19 Thackeray Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 28, 1995 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 STEVEN P. AND MARGARET M. FISCHER 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 24 feet by 24 feet 10 inches at the rear of their nonconforming dwelling with less than the required right side yard at 19 THACKERAY ROAD, in a Single Residence District, shall not be substantially more detrimental of the neighborhood than the existing nonconforming structure. Said addition will have less than the required right side yard setback.

On August 7, 1995, the petitioners 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 Steven Fischer, who was accompanied by his architect, Warren Daniels. Mr. Daniels explained that the proposed family room must be sited behind the garage, as the rest of the rear facade has windows and an enclosed porch. The addition has been intentionally offset 1.2 feet in order to maintain the same right side yard setback as the existing house.

The Board noted that there is a severe upward incline at the rear of the house, and asked if any provision had been made to maintain the slope. Mr. Daniels replied that the addition projects to the base of the hill, and that a stone retaining wall will be built 3 feet off grade beyond the addition.

No other person present had any comment on the petition.

#### Statement of Facts

The subject property is located at 19 Thackeray Road, in a Single Residence District, on a 15,190 square foot lot, and has a minimum right side yard clearance of 11.7 feet.

The petitioners are requesting a Special Permit/Finding to construct a one-story addition approximately 22 feet by 24 feet 10 inches, which would have minimum right side yard

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clearances of 12.9 feet from the right front corner and 12.3 feet from the right rear corner.

A Plot Plan dated August 2, 1995, drawn by David D. Lanata, Registered Professional Land Surveyor; Floor Plans and Elevations, dated July 31, 1995, drawn by Daniel Architects, Inc.; and photographs were submitted.

On September 26, 1995, the Planning Board reviewed the petition and voted to recommend that the petition be denied, as the Board believed that there is adequate space on the lot to construct the addition in conformity with the required setbacks.

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.

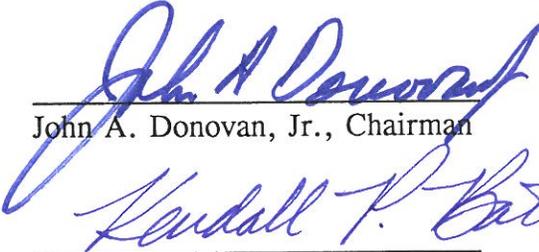
It is the finding of this Authority that the proposed one-story addition will not intensify the existing nonconformance nor will it create additional nonconformance, as there has been a concerted effort made to ensure that there will be no further encroachment on the right side lot line.

Therefore, it is the unanimous decision of this Authority to grant a Special Permit for the construction of the proposed one-story addition subject to construction in accordance with the submitted plot plan and construction drawings.

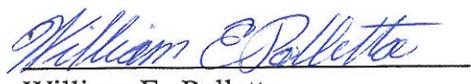
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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

  
\_\_\_\_\_  
John A. Donovan, Jr., Chairman

  
\_\_\_\_\_  
Kendall P. Bates

  
\_\_\_\_\_  
William E. Polletta

# CERTIFIED PLOT PLAN

LOCATION: 19 Thackeray Road  
Wellesley, MA

RECORD OWNER: Steven & Margaret Fischer

DATE: 08/02/95

SCALE: 1"=20'

## DEED AND PLAN REFERENCE

Norfolk County REGISTRY OF DEEDS

Cert. No. 20725 Book 104

L.C. Plan No. 7129P Dated 03/18/37

I HEREBY CERTIFY:

THAT THIS PLAN WAS PREPARED FROM AN INSTRUMENT SURVEY.



*David D. Lanata*  
PROFESSIONAL LAND SURVEYOR

DATE: 8-2-95

PREPARED BY:

DUE NORTH



10 CENTRAL STREET  
FRAMINGHAM, MA 01701  
(508) 877-6644

ACAD DRAWING: 95-160.dwg

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LOT No. 257

LOT No. 256  
AREA=15,190±sf

LOT No. 255

ZONING DISTRICT: SINGLE RES - 15,000 sf  
FRONT YARD SETBACK: 60 ft  
SIDE YARD SETBACK: 20 ft  
REAR YARD SETBACK: 15 ft

