

**ZONING BOARD OF APPEALS**

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ZBA 2011-40
Petition of Zukui Song & Yanling Zhang
8 Willow Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 7, 2011 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of ZUKUI SONG & YANLING ZHANG requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing deck and construction of a 14 foot by 22.9 foot second story addition with less than required left side yard setbacks, and construction of a 17 foot by 24.9 foot two-story addition and a 12 foot by 24.9 foot deck with less than required right side yard setbacks, at 8 WILLOW 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 June 22, 2011 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 Zukui Song (the "Petitioner") and Chih-Ming Lee, Architect. Mr. Song said that the proposal is for a second story addition over the existing living room that will require .8 of feet relief on the left side yard setback. He said that the plan to build a two-story addition on the back of the house that will require 4.2 feet of side yard setback relief. He said that the third request is for a deck on the back of the addition that will require 4.6 feet of side yard setback relief.

Mr. Lee said that the proposed second story addition will not encroach further into the setback area. . He said that it will be on top of the existing house. He said that setback relief is sought for the addition at the back of the existing structure.

The Board said that the existing attached one-story garage has a substantial nonconformity.

The Board said that if the proposed deck was 4.5 feet smaller it would be meet setback requirements. The Board asked if the Petitioner considered shifting the addition and deck slightly southwest to make them conforming. Mr. Lee said that with respect to design, it would be difficult to move the stairs. He said that shifting the addition 4.5 feet would make it difficult to attach the new addition. He said that it made more sense to continue the wall. He said that the whole function of the house will make more sense with the proposed design.

Mr. Lee said that they could slide the addition over but it will make the connection from the existing kitchen to the proposed dining space very narrow. He said that moving the stairs would make it difficult to connect with the second floor.

Mr. Lee said that the idea was to make the connection between the kitchen and dining room as wide as possible. He said that shifting the addition to the left would create a four foot opening between the kitchen and dining room. The Board said that the stairs could be moved. Mr. Lee said that if he moved the stairs, it would make circulation on the second floor difficult. He said that they planned to use an existing hallway on the second floor.

The Board asked if the addition could be slid over at least two feet to create a break. Mr. Song said that whole idea to align the addition was to make the connection. He said that if they slide the addition over it will be hard to make the connection from the kitchen to the new addition and the second floor would need some more major renovation. He said that they did consider all their options and aligning the addition seemed to be the best solution.

Mr. Lee said that by aligning the addition, it will make the roof connection much easier. He said that it will look better. The Board said that it might be simpler but it is tough for the Board to justify extending a nonconformity because it makes the construction simpler. The Board said that it also discourages having continuous straight walls in setback areas.

The Board discussed the front elevation shown on Plan A5. The Board said that the existing house has a hip roof which is echoed a lot in the neighborhood. The Board said that not continuing the hip roof design over the breezeway would be inconsistent with the rest of the house and with other houses in the neighborhood.

Mr. Lee said that he looked at the mass at the entry. He said that he wanted a symmetrical entryway. He said that left and right are not symmetrical in terms of fenestration. He said that he tried to build an almost symmetrical hip roof left and right.

The Board said that there will be a member of the Board who is an Architect present at the September 8, 2011 Public Hearing. The Board said that it would wait to hear the Architect's opinion of the proposed design. The Board said that, in any case, the deck will have to be shrunk.

The Board said that the property received a Variance in 1951 and another one in 1969 that permitted the breezeway to be built. The Board questioned if a Variance is needed to add a second floor over that. The Board said that the law was very different in the 1950's and this would probably not qualify for a Variance today.

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

The Board voted unanimously to continue the hearing until September 8, 2011. The Board said that new plans with alternative designs should be submitted.

September 8, 2011

Presenting the case at the hearing were Zukui Song and Chih-Ming Lee, Architect. Mr. Song said that they were requesting relief for a side yard setback for a two-story addition and a side yard setback for a second floor addition over an existing breezeway.

Mr. Song said that at the July 7, 2011 Public Hearing, the Board had asked for more information about the legal status for the existing breezeway. He said that a record was found for a Special Permit that was granted for the extension of the breezeway in 1969.

Mr. Song said that at the last meeting he also requested relief for a deck. He said that they decided to reduce the size of the deck so that it will no longer require relief for the setback. He said that the existing deck will be removed.

The Board said that the Board had asked Mr. Song to take another look at the roof. Mr. Song said that on Page A5 of the revised plans, there is an alternative roof shown. He said that his concern is that the house itself is asymmetrical because the right hand side is larger than the left hand side. He said that having some variation in the roof on the left might be more attractive than having one whole big roof.

The Board said that it is an improvement because it completes that mansard roof all the way around the house. The Board said that it is consistent with the rest of the house and the houses in the neighborhood. The Board said that it makes the addition look less bulky. Mr. Song said that there is very little difference between the two roof designs from a construction point of view.

The Board said that the Planning Board had recommended that both the two-story addition and the proposed deck be conforming. Mr. Song said that if they moved the two-story addition to the left by five feet, it would make internal circulation difficult between the existing house and the new addition.

Mr. Song said that he spoke with the neighbor on the right side and was told that she has no objections to the proposal.

The Board said that a Special Permit had been granted for a pre-existing nonconforming legal structure.

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

Statement of Facts

The subject property is located at 8 Willow Road, in a 10,000 square foot Single Residence District, with a minimum front yard setback of 20.3 feet, a minimum left side yard setback of 7.7 feet, and a minimum right side yard setback of 11.2 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing deck and construction of a 14 foot by 22.9 foot second story addition with less than required left side yard setbacks, construction of a 17 foot by 24.9 foot two-story with less than required right side yard setbacks, and construction of a 12 foot by 20 foot deck that will meet setback requirements, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A plot plan dated 5/19/11, stamped by Bradley J. Simonelli, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/23/11, revised 9/6/11, prepared by OoDD Architects LLC, and photographs were submitted.

On September 7, 2011, the Planning Board reviewed the petition and recommended that the Special Permit be granted with a condition.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that although demolition of an existing deck and construction of a 14 foot by 22.9 foot second story addition with less than required left side yard setbacks, construction of a 17 foot by 24.9 foot two-story with less than required right side yard setbacks, and construction of a 12 foot by 20 foot deck that will meet setback requirements 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 for demolition of an existing deck and construction of a 14 foot by 22.9 foot second story addition with less than required left side yard setbacks, construction of a 17 foot by 24.9 foot two-story with less than required right side yard setbacks, and construction of a 12 foot by 20 foot deck that will meet setback requirements, in accordance with the revised plans showing a conforming deck.

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.

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.

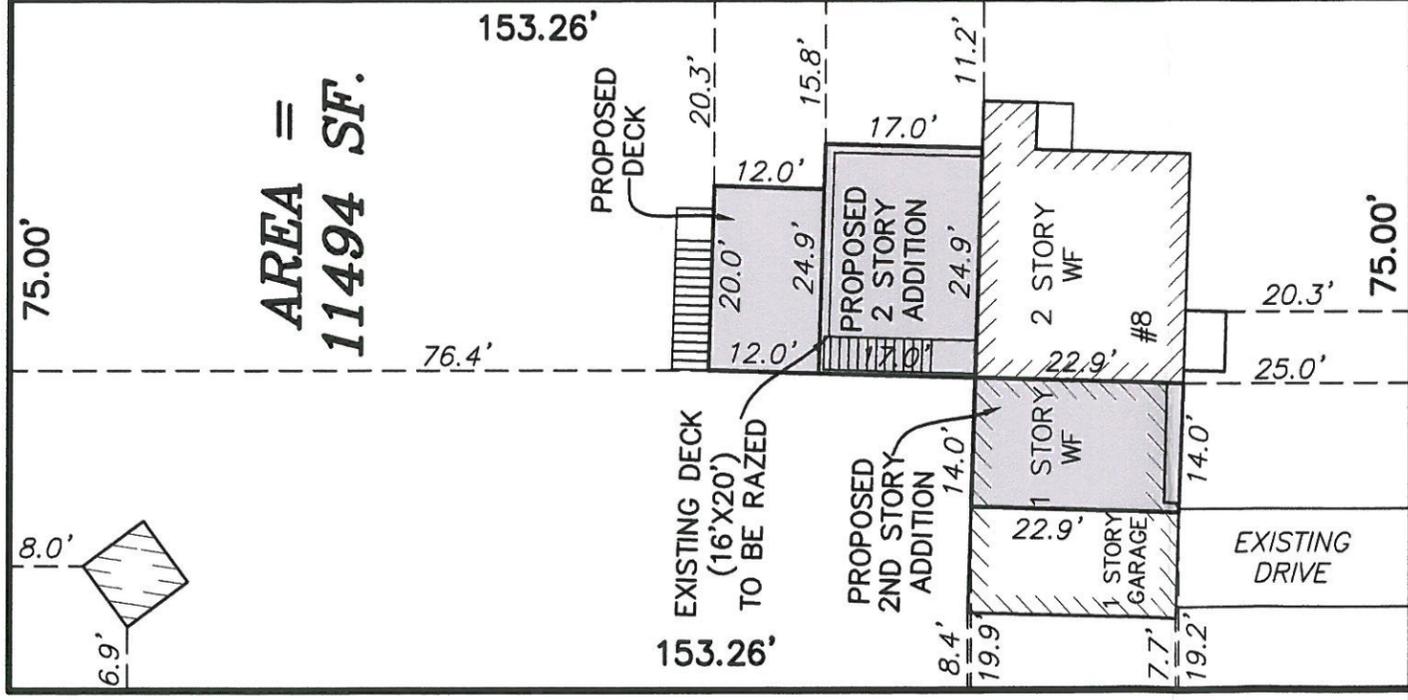
Richard L. Seegel, Chairman

Cynthia S. Hibbard

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm

EXISTING LOT COVERAGE = 10.9%
 PROPOSED LOT COVERAGE = 14.3%
 EXISTING LOT COVERAGE = 1254 SF
 PROPOSED LOT COVERAGE = 1648 SF

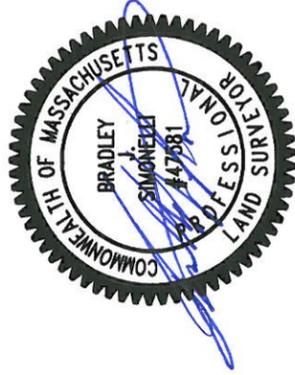


WILLOW ROAD

ZONING INFORMATION: SINGLE RESIDENCE 10

MINIMUM LOT AREA10,000 SF.
 MINIMUM LOT FRONTAGE.....60 FEET
 MINIMUM FRONT SETBACK.....30 FEET
 MINIMUM SIDE YARD.....20 FEET
 MINIMUM REAR YARD10 FEET

ZBA PLAN SHOWING
 PROPOSED ADDITION
 8 WILLOW ROAD
 WELLESLEY, MASS.



Field Resources, Inc.
 LAND SURVEYORS

MAY 19, 2011 **SCALE 1"=20'**
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