



## ZONING BOARD OF APPEALS

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

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ZBA 2014-98  
 Petition of Minyue Zhai  
 3 Granite Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 6, 2014 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of MINYUE ZHAI requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story two-car garage that will meet setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, on an 8,902 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, at 3 GRANITE STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The project includes enclosure of an existing porch, construction of a new covered porch and construction of a one-story addition that will meet setback requirements and may be built as of right.

On October 20, 2014, 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 Tom Timko, Copper Beech Design, representing Minyue Zhai, (the Petitioner). He said that the plan is to tear down an existing two-story garage with a once heated studio above and replace it with a garage and extended family space below with two bedrooms above. He said that the net increase in area will be approximately 1,100 square feet of total gross floor area. He said that the lot size is 8,902 square feet and there is a 9 inch encroachment on the right side, which is opposite to where the proposed work will be. He said that all of the proposed work will be conforming.

The Board said that, according to the plot plan, the southeasterly corner is 20.8 feet from the lot line. The Board said that there was no dimension given for the northeasterly corner of the proposed addition. Mr. Timko said that the sidewall of the proposed house is not parallel and is further than 20.8 feet from the lot line. He said that they will be increasing the conformity. A Board member said that it scales at 21.75 feet.

The Board said that the property is located in a Water Supply Protection District (WSPD). The Board asked what will happen to extra runoff from the additional impervious area that will be put on the site. Mr. Timko that there can be no runoff to the street. He said that they will not be increasing impervious surface by much because they will remove some of the driveway to put in the building. He said that with the change of the roofline runoff will be redirected onto permeable surfaces.

The Board said that lot coverage will be at 24.97 percent.

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The Board said that it is a good design solution.

Linda Haines, 23 Sunset Road, said that her property adjoins 3 Granite Street at the back. She said that she is concerned because of the change of character of the structure. She said that her backyard will be much more exposed because what had been a dormant part of the property, that is the garage with a storage area above it will now be inhabited. She said that the house at 3 Granite Street is already close to the rear property line. She said that she has lived at 23 Sunset Road for 22 years. She said that an addition was put on the house at 3 Granite Street about 12 years ago that brought it closer to the back. She said that the proposed structure will go higher and look down over her yard. The Board said that the principle addition is on the opposite side from Ms. Haines' property. The Board said that there will be three additions, one is the enclosed porch on the Granite Street side and another is the proposed garage and second floor. Ms. Haines that the proposed garage and second floor will extend all the way to the back. The Board said that the small one-story addition will be at the back of the house. Ms. Haines said that many of the houses in the neighborhood have been expanded and made much larger. She said that it does have an impact even if it is in the footprint of the original house. The Board said that the proposed addition will be within the setback allowances of the Zoning Bylaw. The Board confirmed that Ms. Haines' concern is more about the impact on her backyard and not people looking in windows. The Board said that the addition will be somewhat behind Ms. Haines' home. Ms. Haines said that her neighbors toward the front of the house on the same side put an addition raising the side of the house that does impact people looking in windows.

The Board said that the Planning Board commented that the application was lacking existing and proposed elevations of all sides of the structure.

Minyue Zhai, 3 Granite Street, said that she just bought the house and has not moved in yet. She said that she wants to have good relationships with her neighbors. She said that they will be building on the opposite side from Sunset Road. She said that there are many trees at the back of the lot. She said that there is an existing deck that you walk out onto from the master bathroom. She said that she had looked out from the windows and could see little of Ms. Haines' house. She said that there are trees blocking that area. She welcomed Ms. Haines to come to the house and see the view from the second floor.

Mr. Timko said that there is an existing eight foot high fence that encloses the entire back yard of 3 Granite Street.

The Board asked about the existing deck. Mr. Timko said that the deck will move over. He said that the small addition on the first floor has a flat roof and that will be the deck.

Ms. Zhai said that the nonconformity is the lot size.

The Board said that, given the limited nature of the addition, elevations that were provided did show the areas of impact. The Board said that the maximum height to the ridge will only be 24 feet. The Board said that the Board has seen a number of houses being built to full three stories and this is not one of them. Mr. Timko said that they tried to carefully keep the scale of the cottage style.

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Statement of Facts

The subject property is located at 3 Granite Street, on an 8,902 square foot lot in a Single Residence District and a Water Supply Protection District in which the minimum lot size is 10,000 square feet, with a minimum right side yard setback of 19.1 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story two-car garage that will meet setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, on an 8,902 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The project includes enclosure of an existing porch, construction of a new covered porch and construction of a one-story addition that will meet setback requirements and may be built as of right.

A Plot Plan, dated 9/7/14, stamped by Michael P. Clancy, Professional Land Surveyor, Existing & Proposed Floor Plans and Elevation Drawings, dated 9/22/14, prepared by Copper Beech Design, an Existing Conditions Plan, and photographs were submitted.

On November 4, 2014, the Planning Board reviewed the petition and recommended that the special permit be deferred.

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 construction of a two-story two-car garage that will meet setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, on an 8,902 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District 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 construction of a two-story two-car garage that will meet setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, on an 8,902 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in a Water Supply Protection District, 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.

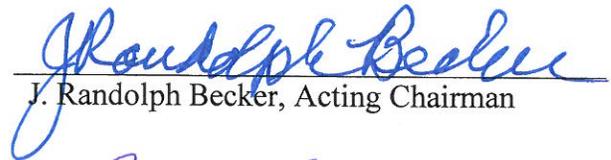
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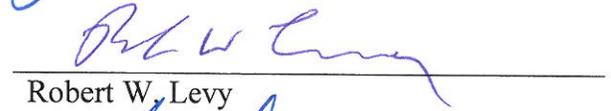
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
J. Randolph Becker, Acting Chairman

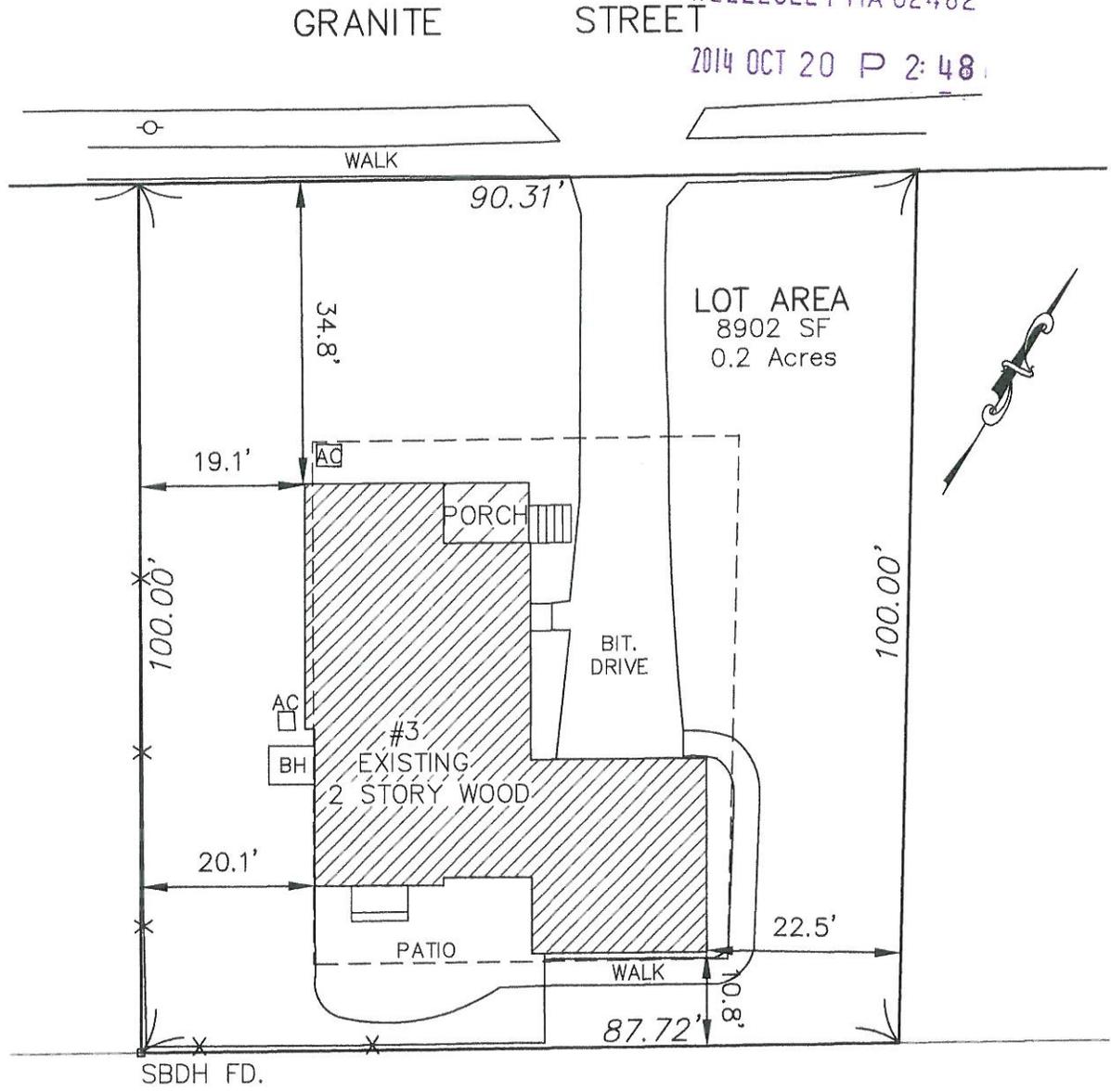
  
Robert W. Levy

  
Walter B. Adams

cc: Planning Board  
Inspector of Buildings  
lrm

# Existing Conditions

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LOT AREA  
8902 SF  
0.2 Acres

NOTES:

1. ZONING CLASSIFICATION - SRD-10
2. PLAN REFERENCES:  
LAND COURT PLAN 7058 Q
3. LOCUS DEED:  
NORFOLK REGISTRY OF DEEDS BK. 32432 PG 217  
ASSESSORS PARCEL ID 149-60
4. EXISTING LOT COVERAGE =  $1631/8902 = 18.3\%$

PREPARED FOR  
MINYUE ZHAI  
3 GRANITE STREET  
WELLESLEY, MA 02482

PLOT PLAN  
3 GRANITE STREET  
WELLESLEY, MASS.

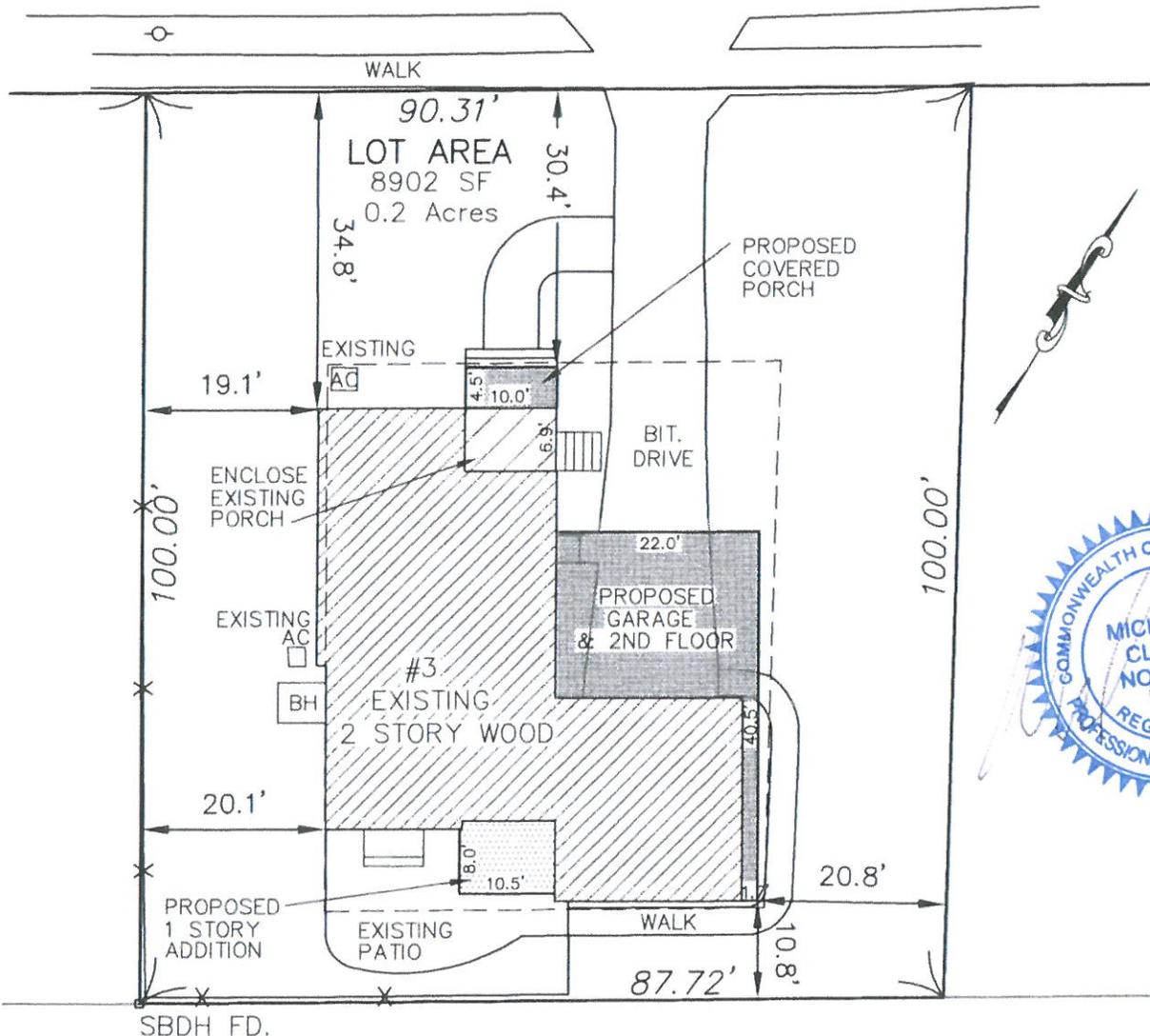
SCALE: 1"=20' SEPTEMBER 7, 2014  
C & G SURVEY COMPANY  
37 JACKSON ROAD  
SCITUATE, MA. 02066  
1-877-302-8440

PROGRESS PRINT

GRANITE STREET

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NOTES:

1. ZONING CLASSIFICATION - SRD-10
2. PLAN REFERENCES:  
LAND COURT PLAN 7058 Q
3. LOCUS DEED:  
NORFOLK REGISTRY OF DEEDS BK. 32432 PG 217  
ASSESSORS PARCEL ID 149-60
4. EXISTING LOT COVERAGE  
 $1563(\text{HOUSE}) + 68(\text{PORCH}) + 23(\text{BH}) = 1631 / 8902 = 18.3\%$
5. PROPOSED LOT COVERAGE  
 $2188(\text{HOUSE}) + 45(\text{PORCH}) + 23(\text{BH}) = 2223 / 8902 = 24.97\%$



PREPARED FOR  
MINYUE ZHAI  
3 GRANITE STREET  
WELLESLEY, MA 02482

PLOT PLAN  
3 GRANITE STREET  
WELLESLEY, MASS.

SCALE: 1"=20' SEPTEMBER 7, 2014

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