

TOWN OF WELLESLEY



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2002 FEB 20 A 8:18

ZONING BOARD OF APPEALS

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

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ZBA 2002-5
Petition of John and Michelle Ho
9 Lanark Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 31, 2001 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley on the petition of JOHN AND MICHELLE HO 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 10.2 foot by 42.4 foot addition with less than the required rear yard setback, at their nonconforming dwelling with less than the required rear yard setback, at 9 LANARK ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 14, 2002, 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 were John and Michelle Ho. Mrs. Ho said they would like to expand their kitchen to the existing small "bump-out" and add a mudroom behind the garage. The addition would be only one story.

The Board commented that the original house had a full basement, but the "bump-out" had only a crawl space beneath it, and asked why this had occurred.

Mrs. Ho said the "bump-out" with the crawl space beneath it existed when they purchased the house. The new addition would also have a crawl space beneath it in order not to have any underpinning problems. The contractor had recommended this type of foundation in order to minimize any structural damage to the existing building.

The Board noted that the Planning Board had no objection to the granting of the Special Permit.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 9 Lanark Road, in a 20,000 square foot Single Residence District, on a 14,536 square foot lot, and has a minimum rear yard clearance of 12.2 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a one-story 42.4 foot by 10.2 foot addition, with a minimum rear yard setback of 14.1 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan dated December 21, 2001, stamped by David W. Humphrey, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 11/28/01, drawn by Dimensions 2&3; and photographs were submitted.

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On January 29, 2002, the Planning Board reviewed the petition and had no objection, stating that the shape of the lot limits the options available to the applicant. The proposal seems reasonable and set back farther from the rear line than the existing house.

Decision

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

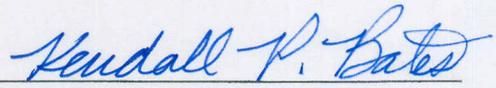
It is the finding of this Authority that construction of the proposed one-story 42.4 foot by 10.2 foot addition with a minimum rear yard setback of 14.1 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as the addition will neither intensify the existing nonconformance, nor will it create new nonconformity as it is set back farther from the rear lot line than the existing nonconforming structure.

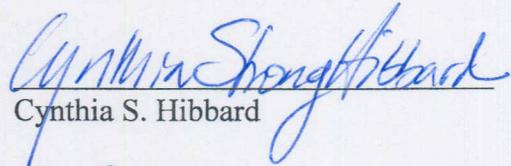
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the one-story addition in accordance with the submitted plot plan and construction drawings.

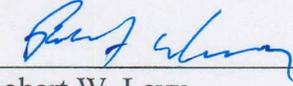
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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


Kendall P. Bates, Chairman

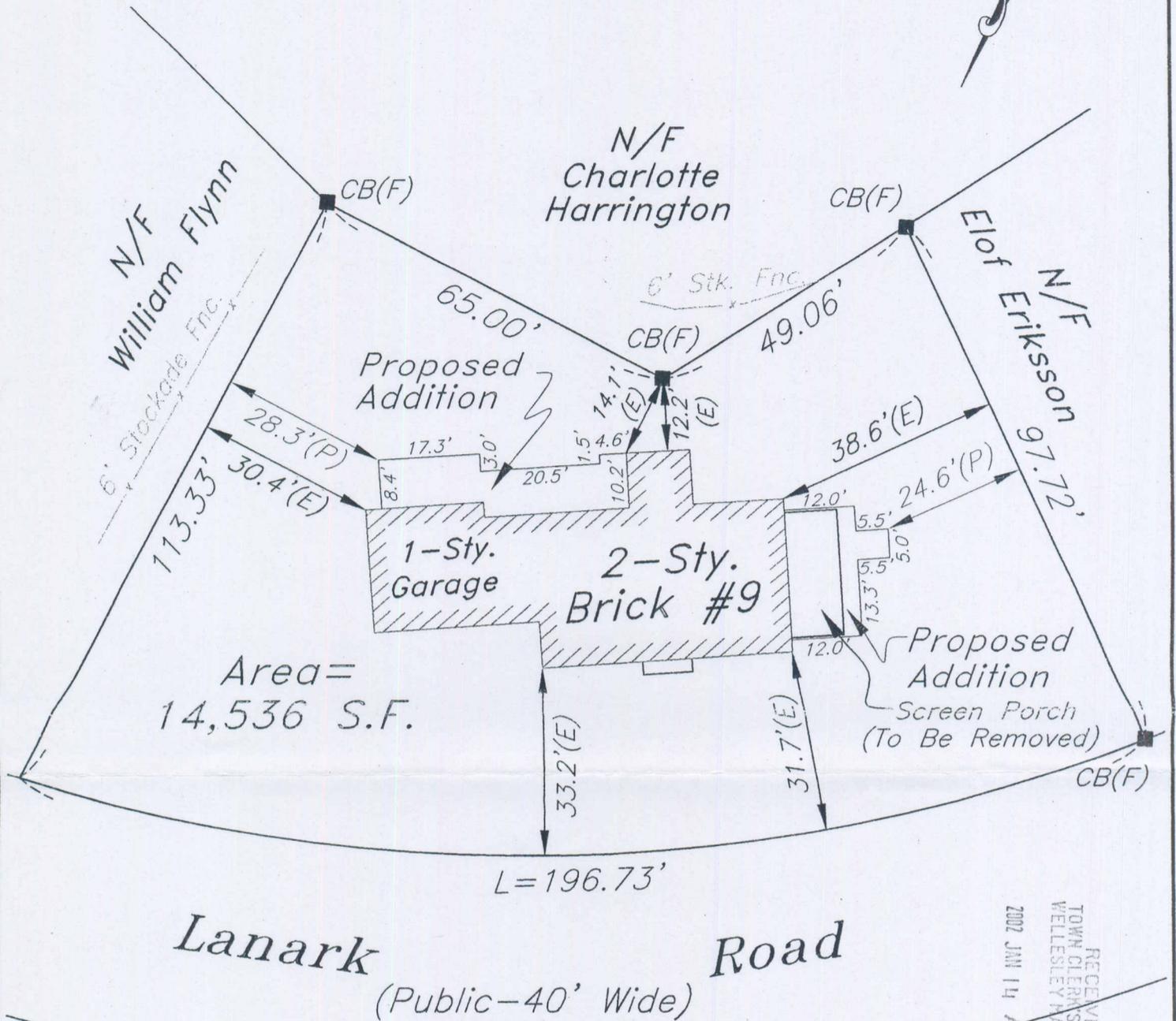

Cynthia S. Hibbard


Robert W. Levy

LEGEND

SYMBOLS AND ABBREVIATIONS SHOWN ON THIS PLAN.

- CB(F) ■ CONCRETE BOUND, FOUND
- E EXISTING DIMENSION
- P PROPOSED DIMENSION

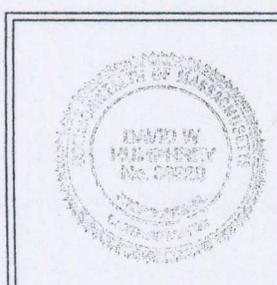


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Lot Coverage:
Proposed = 17%
Existing = 14%

ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF, I CERTIFY TO MICHELLE HO AND THE TOWN OF WELLESLEY BUILDING INSPECTOR THAT AS A RESULT OF A SURVEY MADE ON THE GROUND TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN MASSACHUSETTS, I FIND THAT THE STRUCTURE FALLS WITHIN FLOOD ZONE "C" AS SHOWN ON THE F.I.R.M. MAP FOR WELLESLEY MASSACHUSETTS, COMMUNITY PANEL # 250255 0005B DATED: SEPTEMBER 5, 1979 AND THAT THE LOCATION OF THE HOUSE AND PROPOSED ADDITIONS ARE AS SHOWN HEREON.

Dil W. Z...
PROFESSIONAL LAND SURVEYOR
DATE: 21 Dec 2001



Plot Plan of Land
IN
Wellesley, MA.

Prepared For: **Michelle Ho**

Scale: 1" = 20' Date: **December 21, 2001**

SCHOFIELD BROTHERS OF NEW ENGLAND, INC.
ENGINEERING SURVEYING PLANNING

1071 WORCESTER ROAD
FRAMINGHAM, MASSACHUSETTS 01701
Phone: (508) 879-0030 Fax: (508) 879-1797
Email: mail@schofieldbros.com

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Deed Recorded At Norfolk Registry Of Deeds
Book # 11568, Page 48
Plan in Deed Bk. # 1930, Page 491
Assessors Map 84, Lot # 45
Zoning District: Single Residence - 20,000 S.F.

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