

TOWN OF WELLESLEY



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WELLESLEY MA 02482

ZONING BOARD OF APPEALS 2002 MAY 16 A 8:20

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

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ZBA 2002-36

Petition of Zhinan Xia and Yanfang Su
29 Burke Lane

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, April 25, 2002 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of ZHINAN XIA AND YANFANG SU requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a 46.6 foot by 28.3 foot second story addition with less than the required front yard setback, at their nonconforming dwelling with less than the required front yard setback, at 29 BURKE LANE, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 4, 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 was Zhinan Xia, who said they would like to add a second story to their ranch style house, which is the only one-story house in the neighborhood. They are also planning a small conforming addition on the left side of the house.

The Board noted that the Planning Board was of the opinion that the request was reasonable, particularly as it was possible that some portion of the front yard was taken by the Town when Burke Lane was built, which would explain the nonconformance of the front yard.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 29 Burke Lane, in a 10,000 square foot Single Residence District, on an 18,966 square foot lot, and has a minimum front yard setback of 23.4 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a full second story 46.6 foot by 28.3 foot addition, with a minimum front yard setback of 23.4 feet, would not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There would be no change in the footprint due to this addition.

A plot plan dated March 25, 2002, stamped by Henry E. Thomas, Jr., Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated March 25, 2002, drawn by Design/Construction Consultants; and photographs were submitted.

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On April 23, 2002, the Planning Board reviewed the petition and was of the opinion that the request seemed reasonable.

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.

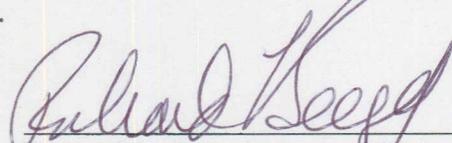
It is the finding of this Authority that the construction of a full 46.6 foot by 28.3 foot second story addition with a minimum front yard setback of 23.4 feet at the right front corner shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the second story addition will neither intensify the existing nonconformance, nor will it create new nonconformity as there will be no change in the footprint due to the construction of the addition. Furthermore, the addition is in keeping with the neighborhood in which the house is the only one story dwelling.

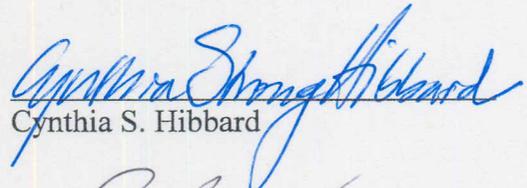
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of the full second story addition in accordance with the submitted plot plan and construction drawings.

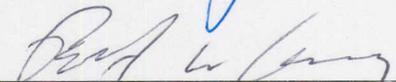
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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.

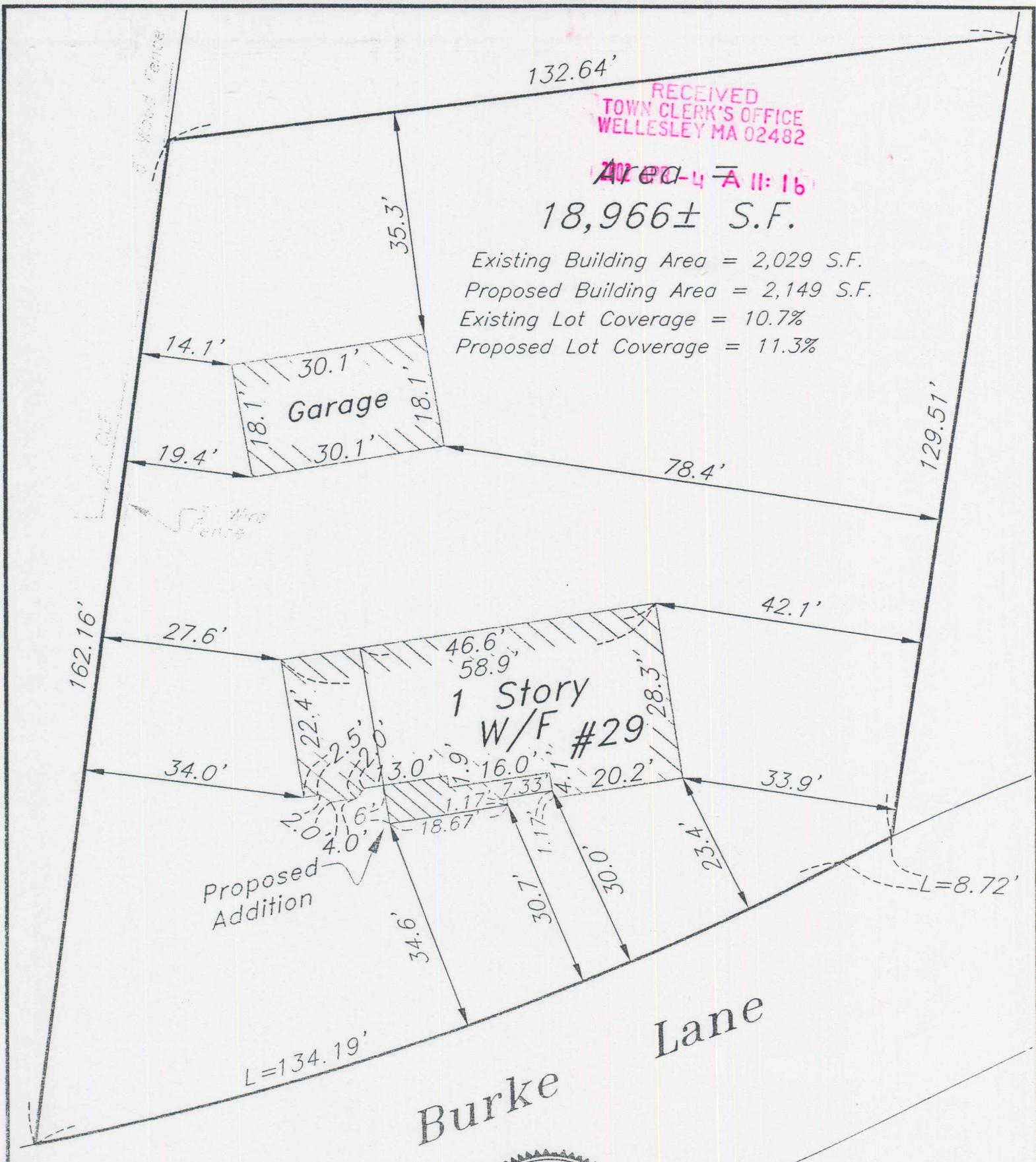
Cc: Planning Board
Inspector of Buildings
edg


Richard L. Seegel, Acting Chairman


Cynthia S. Hibbard


Robert W. Levy

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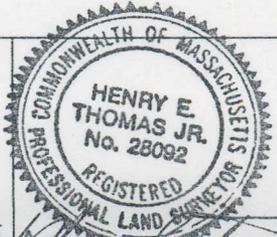
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Area = 18,966 ± S.F.

Existing Building Area = 2,029 S.F.
Proposed Building Area = 2,149 S.F.
Existing Lot Coverage = 10.7%
Proposed Lot Coverage = 11.3%

Plot Plan of Land

PREPARED FOR: Zhinan Xia
29 Burke Lane
Wellesley, MA



SCHOFIELD BROTHERS
OF NEW ENGLAND, INC.
ENGINEERING SURVEYING PLANNING

1071 WORCESTER ROAD
FRAMINGHAM, MASS. 01701
DATE: March 25, 2002 SCALE: 1" = 20'
TEL. # (508) 879-0030 FAX # (508) 879-1797

3/25/02