

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

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ZBA 2002-7

Petition of Cesar and Debra Liu
36 Woodlawn Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 31, 2002 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of CESAR AND DEBRA LIU requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 19.2 foot by 26.1 foot second story addition above their existing nonconforming garage, with less than the required left side yard setback, at their nonconforming dwelling with less than the required left side yard setback, at 36 WOODLAWN AVENUE, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

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 Cesar and Debra Liu. Mr. Liu said they have a three bedroom, one and one-half bath house, and three children. They would like to add a master bedroom and bath above their existing garage. There would be no change in the footprint.

The Board asked if they had spoken to their neighbors, and particularly to the owners of 2 Woodlawn Oval, the rear yard abutters. Mr. Liu said they have spoken to all of the abutters, and no one had any problems with the addition. Mr. and Mrs. Walsh, 43 Woodlawn Avenue, wrote a letter to the Board in support of the petition.

The Board asked if the height of the roof could be reduced, but then commented that the roof of the addition would be slightly lower than that of the main roof and that the center portion of the roof would be flat and slope at both ends.

The Board noted that the Planning Board opposed the granting of the Special Permit as the addition would be very close to the side line and an imposition on the abutting neighbor. The Board further noted that the impacted neighbor had no problem with the addition.

Mr. Liu said that both the electric and utility connections are located on the left side.

No other person present had any comment on the petition.

Petition of Cesar and Debra Liu
36 Woodlawn Avenue

Statement of Facts

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The subject property is located at 36 Woodlawn Avenue, on a 9,805 square foot lot in a 10,000 square foot Single Residence District, and has a minimum front yard setback of 29.7 feet and a minimum left side yard setback of 9.2 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a 19.2 foot by 26.1 foot second story addition above their existing nonconforming garage, with the same dimensions and a minimum left side yard setback of 9.2 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

A Plot Plan dated November 14, 2001, stamped by Joseph B. Marcklinger, Registered Land Surveyor; Existing and Proposed Floor Plans and Elevations dated 8/22/01, drawn by CND Design; and photographs were submitted.

On January 29, 2002, the Planning Board reviewed the petition and opposed the granting of the Special Permit as the proposed addition was very close to the side line and would seem to be an unacceptable imposition on the abutting owner.

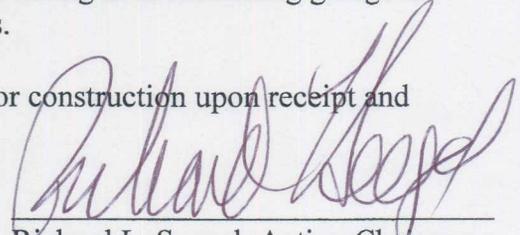
Decision

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

It is the finding of this Authority that the proposed second story addition over the existing nonconforming garage shall not be substantially detrimental to the neighborhood than the existing nonconforming structure as, although the addition intensifies the existing nonconformance, it shall not create new nonconformity. Furthermore, none of the affected abutters have voiced opposition to the addition; and the petitioners have attempted to minimize the impact of the addition by means of the design and height of the new roof.

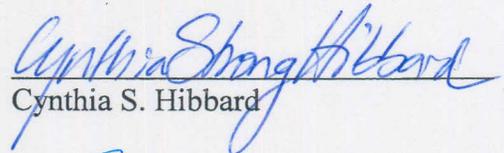
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, to construct a 19.2 foot by 26.1 foot second story addition above the existing nonconforming garage in accordance with the submitted plot plan and construction drawings.

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.



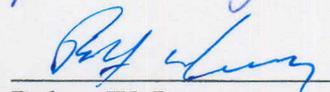
Richard L. Seegel, Acting Chairman

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.



Cynthia S. Hibbard

Cc: Planning Board
Inspector of Buildings



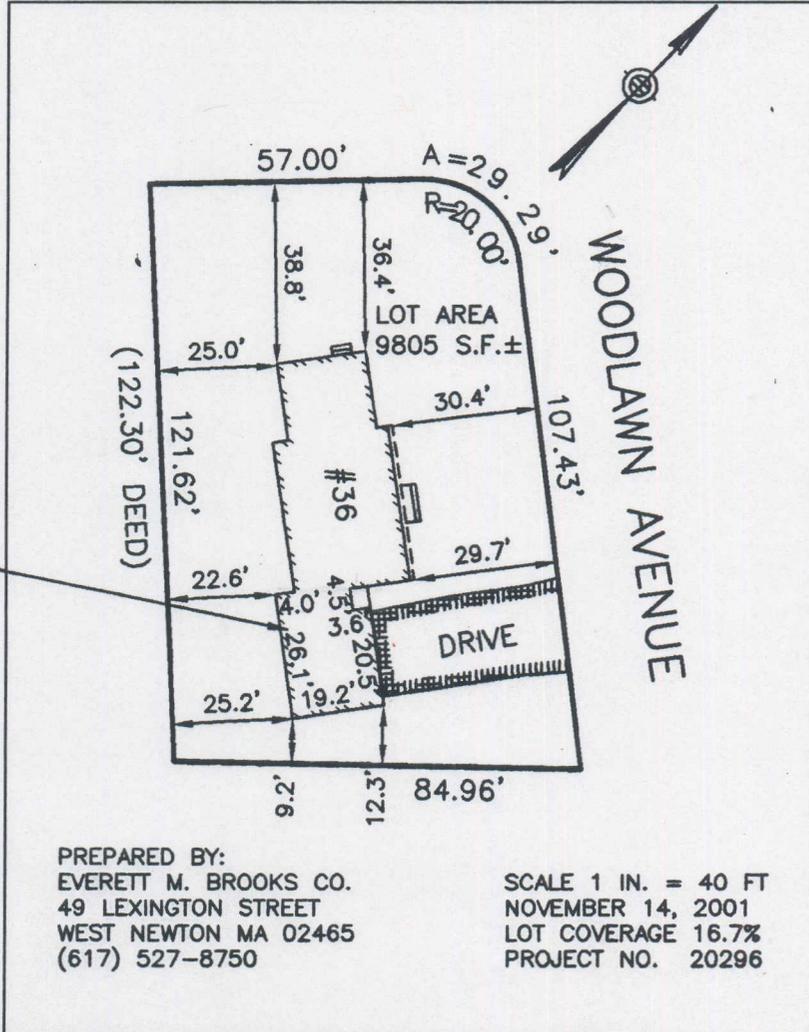
Robert W. Levy

PROPOSED CONSTRUCTION
CERTIFIED PLOT PLAN

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2001 JAN 14 A 9:01

SECOND STORY ADDITION
TO BE ABOVE EXISTING
GARAGE



11/28/01
DATE



617-527-8750
PHONE