

TOWN OF WELLESLEY



MASSACHUSETTS

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ZONING BOARD OF APPEALS

2002 OCT 18 A 9:34

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ZBA 2002-89

Petition of Hoang Dothe and Chaomei He
10 Brookdale Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 19, 2002 at 7:30 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of HOANG DOTHE AND CHAOMEI HE requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following construction at their nonconforming dwelling with less than the required front setbacks from both BROOKDALE AVENUE and MANOR AVENUE, and less than the required right side yard setback, at 10 BROOKDALE AVENUE, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Construction of 3 dormers with less than the required front setback from Brookdale Avenue.
2. Demolition of roof over front landing and construction of new 2.33 foot by 9.75 foot roof supported by pillars with less than the required front setback from Brookdale Avenue.
3. Raising the ridge line of the roof above the existing nonconforming 10.14 foot by 15.24 foot dining room, with less than the required front setback from Manor Avenue, as part of internal renovation for use as kitchen space.

There will be no change in the footprint related to any of the above projects.

On September 3, 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 Hoang Dothe, who said there would be no change in the footprint due to the project. They have consulted with their neighbors who have no conditions. They have been before the Wetlands Committee and have obtained an Order of Conditions.

The Board congratulated Mr. Dothe for his creative solution to construction on a difficult lot. The Board asked if the front steps would remain, and if the driveway access was from Manor Road.

Mr. Dothe stated that the congratulations are owed to his wife. There will be no change in the front stairs. The driveway access comes from Manor Road. *Hoang Dothe*

No other person present had any comment on the petition.

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Statement of Facts

The subject property is located at 10 Brookdale Avenue, the corner of Manor Avenue, on an 11,613 square foot lot in a 10,000 square foot Single Residence District, and has a minimum front setback of 22.5 feet from Brookdale Avenue; a minimum front setback of 23.8 feet from Manor Avenue; and a minimum right side yard setback of 19.8 feet.

The petitioners are requesting a Special Permit/Finding that the construction of 3 gables at the front of their dwelling, with a minimum front setback of 24.7 feet from Brookdale Avenue; demolition of the roof over the front landing and construction of a new 2.33 foot by 9.75 foot roof supported by pillars, with a minimum front setback of 22.5 feet from Brookdale Avenue; and raising the ridge line of the roof above the existing nonconforming 10.14 foot by 15.24 foot dining room, with a minimum front setback of 23.8 feet from Manor Avenue, as part of internal renovation for use as kitchen space, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint associated with these three projects.

A Plot Plan dated August 27, 2002, stamped by Mark E. Violette, Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated August 26, 2002, stamped by Kurt Lamar, Registered Architect; and photographs were submitted.

Property owners at 4 Brookdale Avenue, 14 Brookdale Avenue, 18 Brookdale Avenue, 19 Brookdale Avenue, 26 Brookdale Avenue, 28 Manor Avenue, 37 Manor Avenue and 40 Manor Avenue signed a petition supporting the Dothe/He request.

On March 21, 2002, the Wetlands Protection Committee voted to issue an Order of Conditions (DEP 324-390) for the project.

On September 10, 2002, the Planning Board reviewed the petition and offered no comment.

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 proposed construction outlined in the foregoing Statement of Facts shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as none of the three projects shall intensify the existing nonconformance, nor shall new nonconformance be created as there will be no change in the footprint.

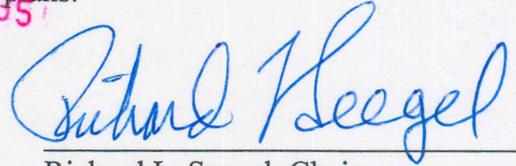
Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the construction of the three gables, the reconstruction of the roof over the porch supported by new pillars, and the raising of the roof over the dining room in accordance with the submitted plot plan and construction drawings, and in compliance with the Order of Conditions (DEP 324-390) issued by the Wetlands Protection Committee on March 21, 2002.

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10 Brookdale Avenue

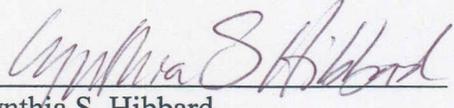
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The Inspector of Building is hereby authorized to issue a building permit for construction upon receipt and approval of a building application and detailed construction plans.

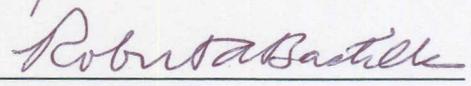
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman

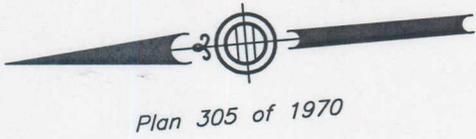


Cynthia S. Hibbard



Robert A. Bastille

Cc: Planning Board
Wetlands Protection Committee
Inspector of Buildings
edg



N/F Byington

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Shed
Wood Frame
(To Be Removed)



Lot Area
11,613± S.F.

Manor

Avenue

N/F Rowat

121.87'

26.6'

24.9'

37.6'

Proposed Addition

Proposed Deck

20.2'

(Proposed)

19.8'

(Existing)

20.2'

(Proposed)

19.8'

(Existing)

20.0'

136.15'

Existing Enclosed
Porch/Dining
Roof To Be Re-Built

Portion Of
Existing To
Be Removed
& Re-Built

Existing
1-1/2 Story
Stone & Masonry
No. 10

Existing
Overhang
To Be
Re-Built

Proposed
Bow Window

107.00'

37.2'

29.9'

23.8'

10.14'

15.24'

10.14'

24.9'

22.5'

24.7'

75.00'

Brookdale Avenue



Mark Violette
8/27/02

Existing Lot Coverage = 13.2%
(House and Shed)
Proposed Lot Coverage = 19.3%
(Remaining House, Deck & Addition)

ON THE BASIS OF MY KNOWLEDGE, INFORMATION, AND BELIEF, I CERTIFY TO HOANG DOTHIE AND THE TOWN OF WELLESLEY THAT AS A RESULT OF A SURVEY MADE ON THE GROUND TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN MASSACHUSETTS, THAT THE LOCATION OF THE EXISTING AND PROPOSED STRUCTURES ARE AS SHOWN HEREON.

Proposed Plot Plan

Prepared For: Hoang Dothe & Chaomei He
10 Brookdale Avenue
Wellesley, MA

Plan Ref: 561 Of 1949
Deed Ref: Bk.10903 Pg. 136
Zoning District—Single Residence 10,000

**SCHOFIELD BROTHERS
OF NEW ENGLAND, INC.**
ENGINEERING SURVEYING PLANNING

1071 WORCESTER ROAD
FRAMINGHAM, MASS. 01701

DATE: August 27, 2002 SCALE: 1"=20'
TEL. # (508) 879-0030 FAX # (508) 879-1797
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