

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2005-75
Petition of Qin Fan Li
23 Hill Top Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 6, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of QIN FAN LI requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that raising the ridge line 7 feet 1 inch on an existing nonconforming second story, with less than required left side, right side and front yard setbacks, on a 6,250 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 23 HILL TOP ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 19, 2005, 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 Song Yang who said that he is representing Mr. Li.

The Board said that the proposal is to raise the roof seven feet. Mr. Yang said that is correct.

Mr. Yang said that the second floor is low, the windows are small, and air circulation is poor.

The Board said that the plans show that the existing roof is 17.5 feet measured from the ground. The proposed height is shown to be 24.6 feet.

The Board said that it is concerned with the proposal. Most of the houses on the street that expanded up managed to keep the original roof line.

The Board questioned the need for 8 foot 4 inch ceilings. Mr. Yang said that Mr. Li would be willing to lower the height to 7 feet 8 inches. The Board said that reduction would be an improvement.

The Board asked if Mr. Li lives at the house. Mr. Yang said that he does.

The Board said that the Planning Board objected to granting the petition because mass and bulk appear to be an issue with the close proximity of abutters. The Planning Board questioned whether the proposed structure will exceed the maximum 36 foot height limit.

The Board said that the petitioner should come back with revised plans. The Board said that preserving the roofline would reduce the visual mass.

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The Board said that most of the houses on the street have a cottage look and that the petitioner should work to make the proposed structure fit in with the neighborhood.

The Board said that the petition would be continued to the November 3, 2005 Public Hearing.

Public Hearing, November 3, 2005

Presenting the case at the hearing was Steve Young, 7 Atwood Street, who said that he was representing Mr. Li. Mr. Young said that the Board had requested that the elevation be lowered. He said that they submitted a revised plan to the Board.

Mr. Young said that they had done further investigation into the character of the neighborhood. Mr. Young distributed photographs of houses in the neighborhood.

Mr. Young said that the roof height was reduced on the revised plans by six inches. The Board said that proposed roof height will be 24 feet 1 inch. The Board said that the roof pitch will be the same.

The Board said that the dimensions for the existing roof are shown differently on the two drawings. The Board said that a revised plan must be submitted showing the correct dimensions for the existing roof.

Statement of Facts

The subject property is located at 23 Hill Top Road, on a 6,250 square foot lot in a district in which the minimum lot size is 10,000 square feet, with a minimum left side yard setback of 14.4 feet, a minimum right side yard setback of 10.9 feet, and a minimum front yard setback of 18 feet.

The petitioner is requesting a Special Permit/Finding that raising the ridge line 6 feet 7 inches on an existing nonconforming second story, with a minimum left side yard setback of 14.4 feet, a minimum right side yard setback of 10.9 feet, and a minimum front yard setback of 18 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 8/45/05, stamped by George Giunta, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, Three-dimensional views of the proposed structure, and photographs were submitted.

On October 4, 2005 the Planning Board reviewed the petition and objected to granting the request stating that, "The proposed addition does not further decrease the left, right, and front yard setbacks. The lot coverage will not be altered, however mass and bulk appear to be an issue with the close proximity of abutters. The Board questions whether the proposed structure will exceed the maximum 36 foot height limit."

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.

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It is the finding of this Authority that although raising the ridge line 6 feet 7 inches 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, as voted unanimously by this Authority at the Public Hearing, for raising the ridge line 6 feet 7 inches to a roof height of 24 feet 1 inch, subject to the following condition:

1. A revised plan be submitted showing the correct dimensions of the existing roof.

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.

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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.

Cynthia S. Hibbard, Acting Chairman

Robert A. Bastille

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm