

**ZONING BOARD OF APPEALS**

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ZBA 2006-79

Petition of Jiang-Fan Chen and Xiao-Jing Tao
14 Crestwood Drive

Petition of JIANG-FAN CHEN AND XIAO-JING TAO requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 15 foot by 15.8 foot screened porch and construction of a 28.3 foot by 45.5 foot second story addition with less than required right side yard setbacks, at 14 CRESTWOOD DRIVE, in a 15,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 16, 2006, 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 Xiao-Jing Tao, who said that the existing dwelling is a ranch that was built in 1953. She said that the existing foundation is nonconforming on the right side. She said that the proposed second floor addition is set in one foot so as not to exceed the existing nonconforming right side yard setback.

The Board said that the jog for the second floor on the right side is shown on Elevation Drawing, D.3. There is a straight line shown along the right side on the Second Floor Plan, A.3 and Second Floor Framing Plan, A.7.

The Board said that the Elevation Drawings, D.3 and D.4, were drawn on May 10, 2006. The Architectural Plans, A.1 through A.16 were drawn on August 24, 2006. The Board confirmed with the Petitioner that the August 24, 2006 "A" plans are incorrect and the May 10, 2006 "D" plans are correct.

The Board said that First Floor Plan, A.2, shows that a proposed screened porch is set in at the corner on the right side at the back of the house.

The Board said that there are many houses in the neighborhood of the same age. Larger houses are being built in the neighborhood and this proposal would not be out of scale with them.

Statement of Facts

The subject property is located at 14 Crestwood Drive, with a minimum right side yard setback of 18.7 feet, in a 15,000 square foot Single Residence District.

The petitioner is requesting a Special Permit/Finding that construction of a 15 foot by 15.8 foot screened porch and construction of a 28.3 foot by 45.5 foot second story addition with less than required right side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 10/10/06, stamped by David Lanata, Professional Land Surveyor, Existing and Proposed Floor Plans, dated 8/24/06, Proposed Second Floor Plan, dated 5/10/06 and Elevation Drawings, dated 5/10/06, drawn by Chemini Design Architects, Inc., and photographs were submitted.

On October 24, 2006, the Planning Board reviewed the petition and had no objection to granting the request.

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 although construction of a 15 foot by 15.8 foot screened porch and construction of a 28.3 foot by 45.5 foot second story addition with less than required right side yard setbacks 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 construction of a 15 foot by 15.8 foot screened porch and construction of a 28.3 foot by 45.5 foot second story addition, subject to the following condition:

- The "A" series of plans be revised to be consistent with the "D" series of plans.

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.

Richard L. Seegel, Chairman

Cynthia S. Hibbard

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm