



ZONING BOARD OF APPEALS

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

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ZBA 2012-76
 Petition of Steven Young
 4 Oakdale Avenue

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 2012 OCT 16 A 10:47

Record Owner of Property: Anand & Reema Dhingra

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 4, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of STEVEN YOUNG requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a second story addition that will meet all setback requirements on an existing nonconforming structure with less than required front and side yard setbacks, on a corner lot in a 10,000 square foot Single Residence District, at 4 OAKDALE AVENUE, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 18, 2012, 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 Steven Young, Architect (the "Petitioner"), who said that he was representing Anand and Reema Dinghra, the homeowners.

Mr. Young displayed photographs of the existing yellow colonial structure. He said that it was a modular home that was built approximately ten years ago. He said that the owners at that time were granted relief for a nonconforming side yard setback of 14.6 feet.

Mr. Young said that the proposal is for a rear second floor addition for a master bathroom over the back portion of the garage. He said that none of the proposed addition will be within the 20 foot side yard setback.

Mr. Young said that lot coverage will be increased to 2,099 square feet, which will be 21 percent.

Mr. Young displayed the elevation looking from Manor Avenue. He said that there will be a minor change of an 18 inch increase in the garage ridge height. He said that the main ridge is substantially higher.

Mr. Young displayed side and rear yard elevations. He said that the addition will mainly affect the back yard.

Mr. Young said that the Dinghra's have reached out to their direct abutters. He submitted two letters of support.

Mr. Young said that the materials will be the same and the fenestration will fit with the scale of the house. He said that it will be a relatively minor addition that will meet the needs of his clients' growing family.

The Board said that the Planning Board recommended denial of the Special Permit because they felt that it would be more detrimental to the neighborhood regardless of its small scale because of the size and location of the existing nonconforming house within the side yard setback.

The Board said that it should be noted for the record that this property was the subject of a famous case in Wellesley that went to the Supreme Judicial Court.

The Board asked about the size of the proposed addition. Mr. Young said that it will be 89 square feet. The Board confirmed that the addition will not increase the existing nonconformities and that the neighbor at 85 Manor Avenue has no objection to the proposed project.

The Board said that the Fells Area has been undergoing changes for a number of years. The Board said that this house is sizeable even for the changing neighborhood. The Board said that it is somewhat mitigated in that it is less than 100 feet from Weston where the houses are substantially larger. The Board said that looking at the house from the Wellesley side, it seems to be oversized.

The Board said that this will be a modest addition to the house. The Board said that the addition of windows above the garage helps to mitigate the scale. The Board said that the proposed project will not increase the nonconformities.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 4 Oakdale Avenue, on a 10,000 square foot corner lot in a 10,000 square foot Single Residence District, with a minimum front yard setback of 28.3 feet and less than required side yard setback.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a second story addition that will meet all setback requirements on an existing nonconforming structure with less than required front and side yard setbacks, on a corner lot in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 9/12/12, stamped by Bradley Simonelli, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings, dated 9/12/12, prepared by Steven Young, AIA, and photographs were submitted.

On October 2, 2012, the Planning Board reviewed the petition and recommended that the Special Permit be denied.

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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 opinion of this Authority that construction of a second story addition that will meet all setback requirements on an existing nonconforming structure with less than required front and side yard setbacks, on a corner lot in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a second story addition that will meet all setback requirements on an existing nonconforming structure with less than required front and side yard setbacks, on a corner lot in a 10,000 square foot Single Residence District, 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 constructions plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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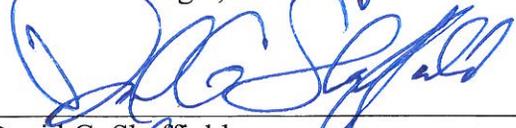
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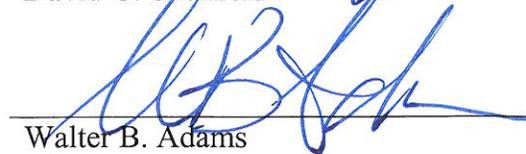
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman



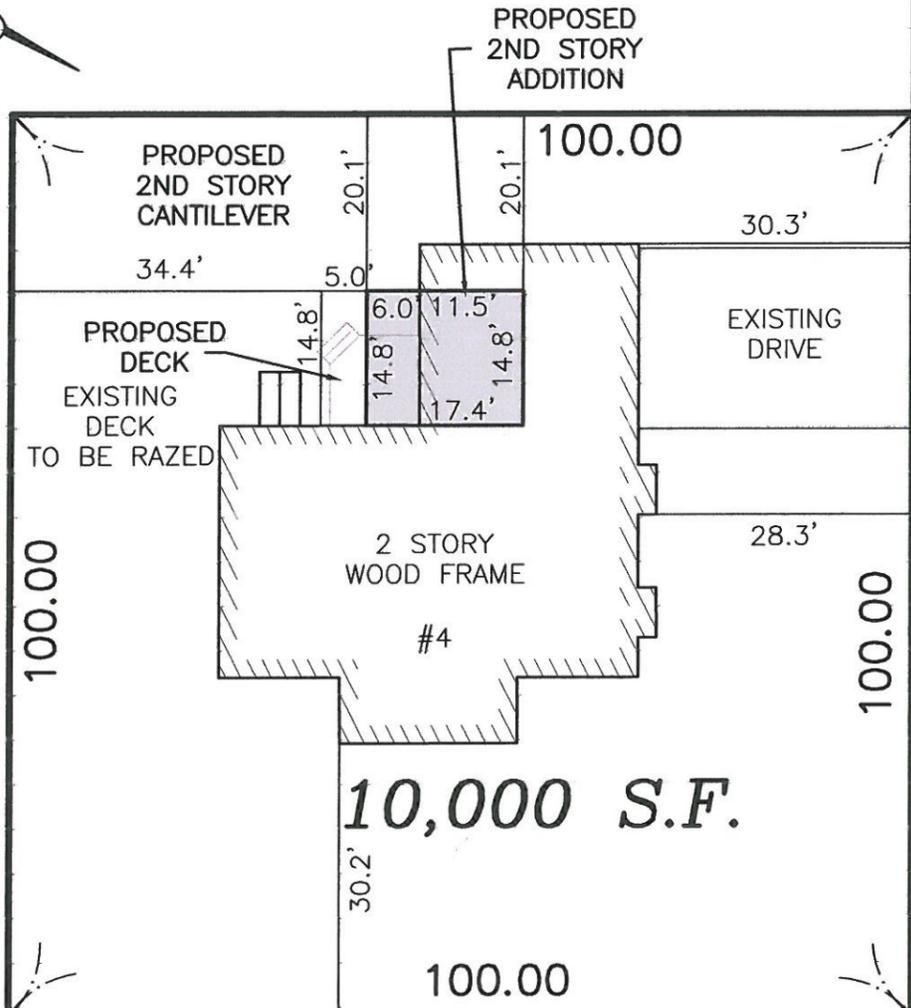
David G. Sheffield



Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

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MANOR AVENUE

OAKDALE AVENUE

ZONING INFORMATION: SINGLE RESIDENCE 10 (SR10)
AND THE WATER SUPPLY PROTECTION DISTRICT

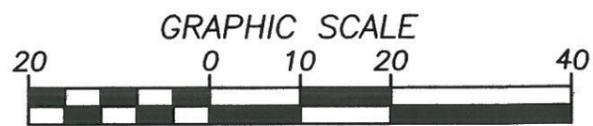
MINIMUM LOT AREA10,000 SF.
MINIMUM LOT FRONTAGE.....60 FEET
MINIMUM FRONT SETBACK.....30 FEET*
MINIMUM SIDE YARD.....20 FEET
MINIMUM REAR YARD10 FEET
MAXIMUM BUILDING COVERAGE.....25%
MAXIMUM BUILDING HEIGHT.....36 FEET
MAXIMUM BUILDING HEIGHT.....2 1/2 STORIES
*FRONT SETBACK DETERMINED BY 500' RULE TO BE 30 FEET.

EXISTING BUILDING COVERAGE =1979 SF
EXISTING LOT COVERAGE=19.8%
PROPOSED BUILDING COVERAGE = 2067 SF
PROPOSED LOT COVERAGE = 20.7%

ZONING BOARD OF APPEALS
PLAN OF LAND
4 OAKDALE AVENUE
WELLESLEY, MASS.

Field Resources, Inc.
LAND SURVEYORS

SEPTEMBER 12, 2012 SCALE 1"=20'
P.O. BOX 324 281 CHESTNUT ST.
AUBURN, MA NEEDHAM, MA.
508 832 4332 781 444 5936
fieldresources@hotmail.com



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