



ZONING BOARD OF APPEALS

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

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ZBA 2013-68

Petition of Michael Sze & Doreen Ho
 95 Fairbanks Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 10, 2013, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of MICHAEL SZE & DOREEN HO requesting modification of a Variance and a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII, Section XIX, Section XXIV-D and Section XXV of the Zoning Bylaw that demolition of an existing screened porch and construction of a two-story addition that will meet all setback requirements, and construction of a second story addition over an existing nonconforming structure with less than required right side yard setbacks, at 95 FAIRBANKS AVENUE, in a 15,000 square foot Single Residence District, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 25, 2013, 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 were Michael Sze and Doreen Ho (the "Petitioner"). Also present was Leah McGavern, Architect.

Mr. Sze said that the proposal is for an addition to enlarge the living room and master suite. He said that they are also proposing a second floor addition over the existing structure at the rear of the house. He said that the request is to modify the existing variance and for a special permit/finding.

Ms. Ho said that the request is to put a second story on the nonconforming part of the house that was approved by variance in 1954 and amended in 1993. She said that the proposed addition to replace the screened porch will meet setback requirements.

The Board said that the nonconformity is the right side yard setback. The Board confirmed that the "L" shaped piece at the right rear side of the structure is existing.

The Board said that the property is located in a Water Supply Protection District. The Board said that the request is to add approximately 500 to 550 square feet of impervious area. The Board asked about runoff from that area. Ms. Ho said that the screened porch and the existing one story are already there. The Board said that a percentage increase in lot coverage is shown on the plot plan.

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 TOWN'S OFFICE
 WELLESLEY MA 02482

Ms. Ho said that it is a fairly large lot. The Board said that there is a lot of room for drywells. Ms. Ho said that they did not address the issue because they did not think that it would come up at the public hearing.

The Board said that on Elevation Drawing, A9, it looks as though they kept the roof lines lower than the existing house. Ms. Ho said that the idea was to keep the house modest. She said that Mr. Sze had spoken with all of the neighbors and they support the project.

The Board said that the 1955 variance was under a different statutory scheme. The Board said that the 1955 plot plan shows a side yard setback of 13 feet. The Board said that the 2013 plot plan shows an 11.2 foot side yard setback. Ms. Ho said that the 1993 plot plan shows a side yard setback of 10.5 feet.

Ms. Ho said that the neighbors do support the project. She said that they tried to minimize the impact by keeping the scale modest. She said that it is an odd shaped lot.

Statement of Facts

The subject property is located at 95 Fairbanks Avenue, in a 15,000 square foot lot in a Water Supply Protection District, with a minimum side yard setback of 11.1 feet.

The Petitioner is requesting modification of a Variance and a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII, Section XIX, Section XXIV-D and Section XXV of the Zoning Bylaw that demolition of an existing screened porch and construction of a two-story addition that will meet all setback requirements, and construction of a second story addition over an existing nonconforming structure 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 8/8/13, stamped by Dennis O'Brien, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 8/8/13, prepared by McGavern Design, and photographs were submitted.

On October 8, 2013, the Planning Board reviewed the petition and recommended that modification of a Variance and a Special Permit/Finding be denied.

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, to the extent this Special Permit is modifying an existing Variance that it will be deemed a modification of an existing Variance as well as a Special Permit.

It is the opinion of this Authority that although that demolition of an existing screened porch and construction of a two-story addition that will meet all setback requirements, and construction of a second story addition over an existing nonconforming structure 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 demolition of an existing screened porch and construction of a two-story addition that will meet all setback requirements, and construction of a second story addition over an existing nonconforming structure with less than required right side yard setbacks, 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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INSPECTOR'S OFFICE
SHELY MA 02482

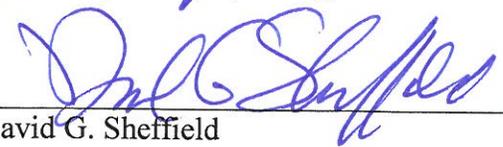
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95 Fairbanks Avenue

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TOWN CLERK'S OFFICE
MILLSLEY MA 02482

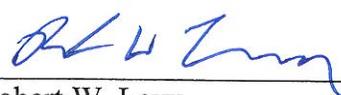
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



J. Randolph Becker, Acting Chairman



David G. Sheffield



Robert W. Levy

cc: Planning Board
Inspector of Buildings
lm

EXISTING LOT COVERAGE 8.89%
 PROPOSED LOT COVERAGE 12.44%

PLAN SHOWING PROPOSED ADDITION IN WELLESLEY, MASS.

Norfolk County

Scale: 1" = 30'

August 8, 2013

Dennis O'Brien

P.L.S.

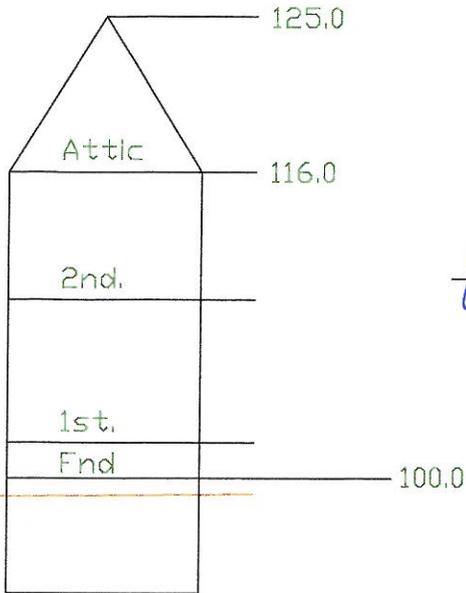
31 Hayward Unit 3-G

Franklin, Mass. 02038

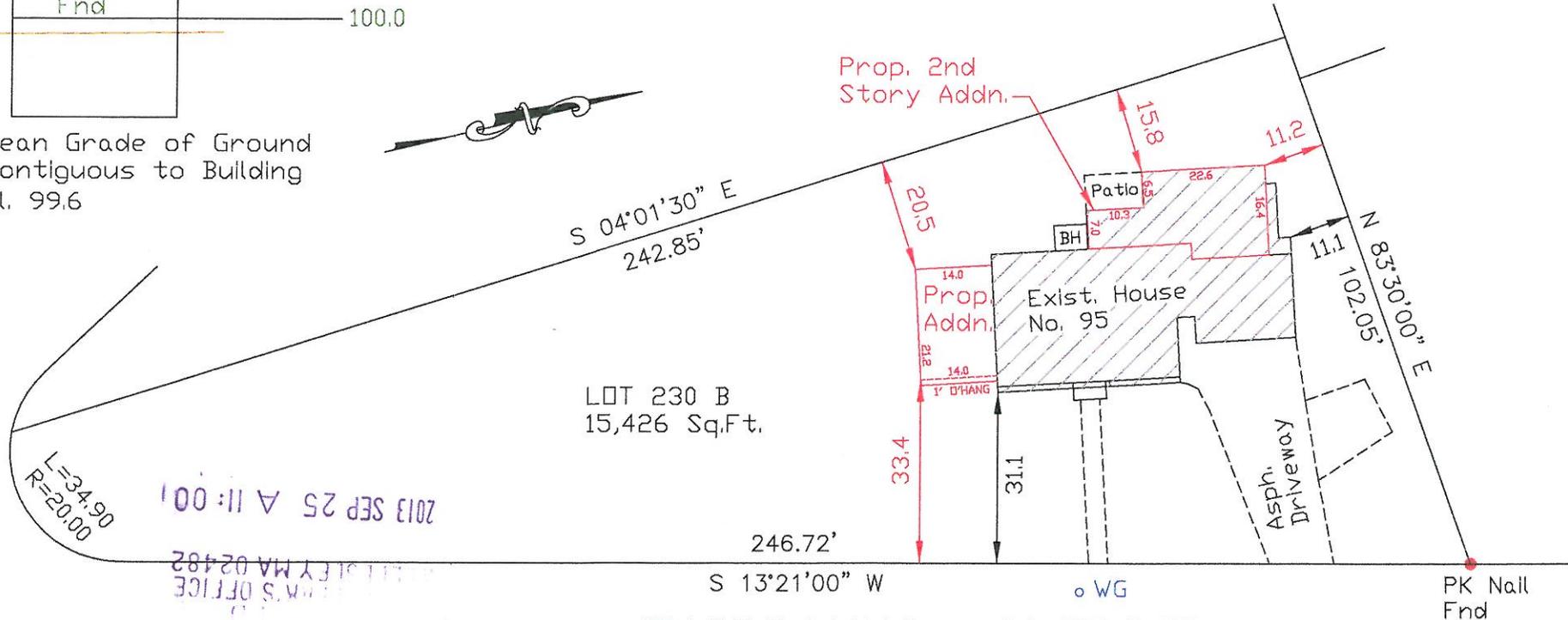
(508) 541 - 0048



Dennis O'Brien
 Dennis O'Brien P.L.S.



Mean Grade of Ground
 Contiguous to Building
 El. 99.6



FAIRBANKS AVENUE
 SMH

L=34.90
 R=20.00
 2013 SEP 25 11:00
 28482