



ZONING BOARD OF APPEALS

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

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ZBA 2018-72

Petition of Qi Yu & Jing Hua

10 Hastings Street

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 1, 2018 at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Qi Yu & Jing Hua requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard, and right side yard setbacks, at 10 Hastings Street, on a lot with 50 feet of frontage where 60 feet is required, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 16, 2018, 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 Qi Yu and Jing Hua, the Petitioner, and Tuan Nguyen, Structural Engineer.

Mr. Nguyen said that the house was built around 1900. He said that it is very small with 1,000 square feet of living area. He said that there are three small bedrooms on the second floor. He said that the request is to build an addition on the rear for a family room on the first floor and a full sized bedroom on the second floor. He said that his clients have two children. He said that they will not be adding another bathroom. The Chairman said that space could be set aside with rough plumbing for a bathroom in the future.

Mr. Nguyen said that he tried to replicate the side elevations, as shown on Elevation Drawing, A-6. He said that the height of the addition will be the same as the height of the existing house.

Mr. Nguyen said that the existing side yard setback is 13.8 feet where 20 feet is required.

A Board member said that the lot is only 50 feet wide.

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 10 Hastings Street, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, with a

minimum front yard setback of 20.4 feet where 30 feet is required, a minimum left side yard setback of 9.9 feet and a minimum right side yard setback of 13.8 feet where 20 feet is required, and a minimum 50 feet of frontage where 60 feet is required. The existing nonconforming garage has a minimum left side yard setback of 8.4 feet where 20 feet is required. The existing nonconforming barn has a minimum left side yard setback of 7.1 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XIVE, Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard, and right side yard setbacks, on a lot with 50 feet of frontage where 60 feet is required, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 8/30/18, stamped by Peter A. Lothian, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 8/20/18 & 9/20/18, prepared by T Design, LLC, and photographs were submitted.

On October 23, 2018, the Planning Board reviewed the petition and recommended that a Special Permit be approved.

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 although construction of a two-story addition with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard, and right side yard setbacks, on a lot with 50 feet of frontage, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District 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 two-story addition with less than required left side yard and right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard, and right side yard setbacks, on a lot with 50 feet of frontage, on a 10,000 square foot lot in a Single Residence District in which the minimum lot size is 15,000 square feet, in a Water Supply Protection District, in accordance with the submitted plot plan and construction drawings.

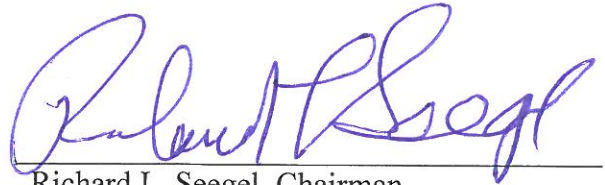
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

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

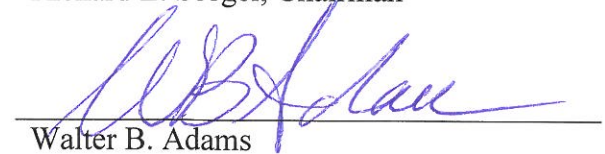
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10 Hastings Street

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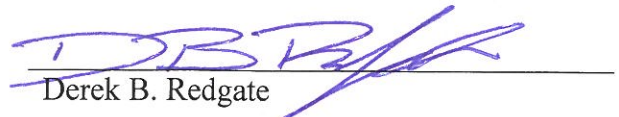
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman



Walter B. Adams



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
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