

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ZBA 2015-89
Petition of Yu Zhu & Zhao Qu
8 Fairbanks Avenue

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 5, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Yu Zhu & Zhao Qu requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a deck 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 and less than required frontage, on a 6,680 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 8 Fairbanks Avenue, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 20, 2015, 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 Dan O'Connor, representing Yu Zhu and Qu Zhao, the Petitioner.

Mr. O'Connor said that the Petitioner had come before the Board previously for approval of an addition that is currently in progress. He said that they would like to add a deck that will be nonconforming on the left and right sides. He said that the homeowners would like to have a wooden deck at ground level across the back of the addition. He said that it will extend five feet out.

A Board member said that there was no indication on the plans of how the deck will be supported. He said that it looks like there will be some masonry or brick pavers. Mr. O'Connor said that the masonry and brick are to the sides of the deck. He said that the deck will be on footings. He said that it will be one step off of the ground.

The Chairman said that the Planning Board did not recommend favorable action. He said that it was the Board's understanding that the deck had been left off of the plot plan when the Board approved the addition.

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 8 Fairbanks Avenue, on a 6,680 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 27.9 feet, a minimum left side yard setback of 8.5 feet, a minimum right side yard setback of 14 feet, and 50 feet of frontage.

The Petitioner is a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a deck 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 and less than required frontage, on a 6,680 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 10/14/15, stamped by Dennis B. O'Brien, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 12/2/14, prepared by The Architects Forum Inc, and photographs were submitted.

On November 5, 2015, the Planning Board reviewed the petition and recommended that the Board deny the application.

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 deck 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 and less than required frontage, on a 6,680 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet 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 deck 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 and less than required frontage, on a 6,680 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, in accordance with the submitted plot plan and construction drawings.

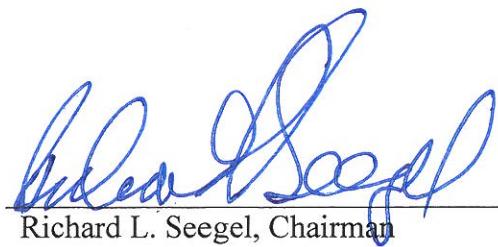
The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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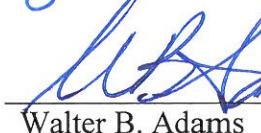
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Richard L. Seegel, Chairman



J. Randolph Becker

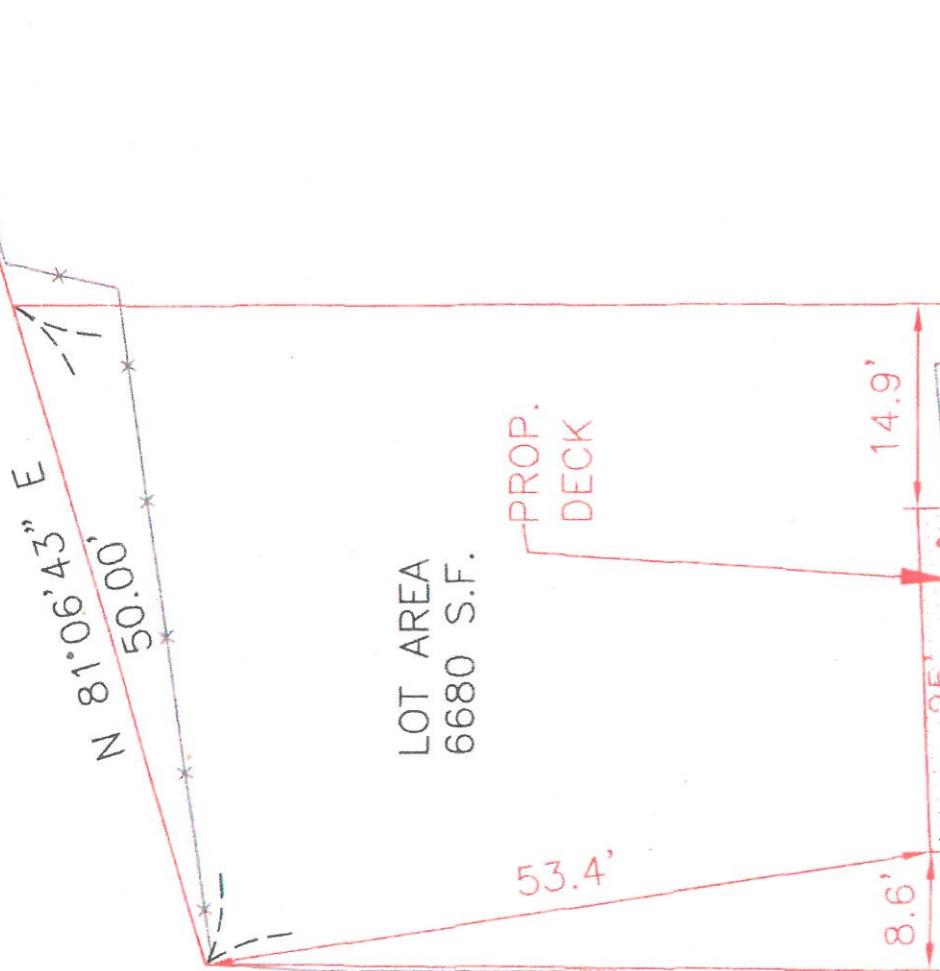


Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm

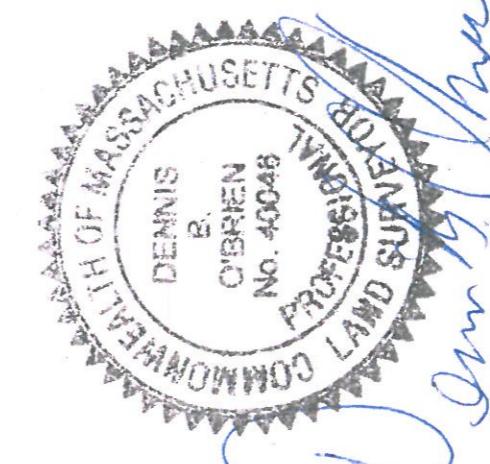
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EXISTING LOT COVERAGE 16.9% (1,126 S.F.)

NEW LOT COVERAGE 18.7% (1,251 S.F.)



Dennis O'Brien

P.L.S.

