



ZONING BOARD OF APPEALS

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ZBA 2018-47
Petition of Feng Zhao
15 Pleasant Street

2018 AUG 16
TOWN OF WELLESLEY
RECEIVED

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 12, 2018, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Feng Zhao requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing nonconforming porch with less than required front yard setbacks, construction of a second story addition over an existing nonconforming structure with less than required left side yard setbacks, construction of a two-story addition and a second story addition over an existing structure, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on an 8,000 square foot lot in a General Residence District in which the minimum lot size is 10,000 square feet, at 15 Pleasant Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 7, 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 was Lan Qin, Architect, representing Feng Zhao, the Petitioner. Ms. Qin requested that the petition be continued to August 2, 2018 so that revised plans could be submitted.

August 2, 2018

Ms. Qin said that the project includes four parts: enclosing the front porch; putting an addition on the second floor over the entrance on the west side; putting an addition on the second floor over the side porch on the east side; and lowering the basement floor about one foot. She said that the renovations will be confined to the existing footprint and the roof ridge will stay the same.

Ms. Qin said that the request is for zoning relief for the existing front porch that encroaches into the setback. She said that enclosing the front porch will not increase the nonconformity. She said that the entry on the west side is located in the setback area. She said that an addition on the second floor over the existing first floor structure will not exacerbate the nonconformity. She said that the lot is 8,000 square feet, which is less than 10,000 square feet which is standard for the district.

The Board said that front yard setbacks are 30 feet and side yard setbacks are 20 feet in 10,000 square foot Single Residence Districts. The Chairman said that the property is located in a General Residence District, which does not fit in well with Large House Review (LHR) categories. He said that the surrounding zone is 10,000 square feet. He said that General Residence Districts are treated like 10,000

square foot districts. He said that the TLAG calculation is under the trigger for LHR for a 10,000 square foot Single Residence District.

A Board member said that even though the calculation is below the TLAG threshold, it will be a lot of house for the neighborhood. The Chairman said that it will add to it significantly but it will only be slightly larger than the average.

A Board member asked if a TLAG Affidavit was submitted. He said that the calculations are shown on Plan A-101 but it is not stamped.

A Board member confirmed that construction will all be within the footprint of the existing building, including the porch.

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 15 Pleasant Street, on an 8,000 square foot lot in a General Residence District in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 17.2 feet, and a minimum left side yard setback of 18.4 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing nonconforming porch with less than required front yard setbacks, construction of a second story addition over an existing nonconforming structure with less than required left side yard setbacks, construction of a two-story addition and a second story addition over an existing structure, on an existing nonconforming structure with less than required front yard and left side yard setbacks, on an 8,000 square foot lot in a General 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 3/20/18, stamped by Michael P. Clancy, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/28/18, prepared by QLArchitect, and photographs were submitted.

On June 27, 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 enclosure of an existing nonconforming porch with less than required front yard setbacks, construction of a second story addition over an existing nonconforming structure with less than required left side yard setbacks, construction of a two-story addition and a second story addition over an existing structure, 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 enclosure of an existing nonconforming porch with less than required front yard setbacks, construction of a second story addition over an existing nonconforming structure with less than required left side yard setbacks, construction of a two-story addition and a second story addition over an existing structure, subject to the following condition:

- A TLAG Affidavit shall be submitted that shows a TLAG calculation of less than 2,620 square feet.

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.

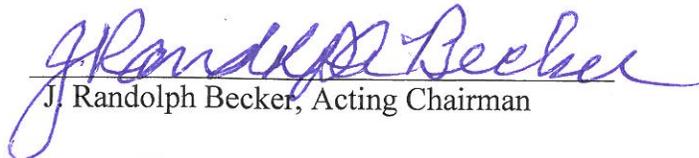
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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TOWN OF FLEMING
WILLETSLEY MA 02702

ZBA 2018-47
Petition of Feng Zhao
15 Pleasant Street

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TOWN CLERK'S OFFICE
WELLESLEY, MA 02156
2018 AUG 16 P 2:15

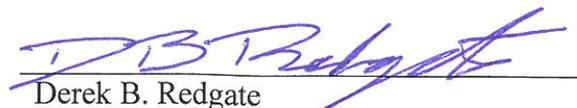
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



J. Randolph Becker, Acting Chairman



Robert W. Levy



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

