



## ZONING BOARD OF APPEALS

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

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ZBA 2016-31  
 Petition of Jeffrey Thomas & Kyungok Lee  
 4 Dorset Lane

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 5, 2016, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Jeffrey Thomas & Kyungok Lee requesting a Variance pursuant to the provisions of Section XIVE, Section XIX and Section XXIV-D of the Zoning Bylaw for demolition of an existing nonconforming garage and construction of a one-story, one-car garage to be attached to the existing house, with less than required right side yard setbacks, on an existing nonconforming structure with less than required left side yard setbacks, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, at 4 Dorset Lane.

On April 19, 2016, 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 Jeffrey Thomas and Kyungok Lee, the Petitioner. Mr. Thomas said that the request is to relocate their garage. He said that it is currently located close to the private lane and they have very limited parking. He said that visitors block the short road, which is a problem for emergency vehicles and is dangerous for plows in the winter. Mr. Thomas said that his elderly mother-in-law watches their daughter often and has to walk from the detached garage to the house. He said that she has fallen a couple of times in inclement weather.

Mr. Thomas said that the proposal is to pull the garage back and attach to the side of the house where it will be away from the road and allow for more driveway space. Ms. Lee said that the existing garage is closer to the neighbor on the right side. She said that doing this will improve her mother's situation and the side yard setback. She said that the existing garage was built in 1929 and is not in good shape. She said that this is the best solution for them.

Mr. Thomas said that they spoke with all of the surrounding neighbors and nobody had a problem. He said that he submitted a list of emails from the neighbors. Ms. Lee said that they spoke with all of the neighbors who share the street and fences. The Board confirmed that the list included the neighbor at 15 Willow Road.

A Board member said that because the proposal is to attach the garage to the house, it will trigger the setback requirements for the house. He said that the criteria for granting a variance can be met by lot shape and topography.

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A Board member confirmed that Dorset Lane is part of this lot. He said that there are two houses on Dorset Lane. He asked if there is an easement across 4 Dorset Lane for access purposes. He said that Dorset Lane is not a private way. He said that the Assessors records show frontage on Willow Road. He confirmed that the town maintains Dorset Lane. Ms. Lee said that the signs coming in from Strathmore and Willow Roads say that Dorset Lane is a private way. Mr. Thomas said that he believes that the original lane was deeded with the house. He said that, at some point, his neighbors purchased the part in front of their house. He said that he gets a separate tax bill for a little piece of the road. He said that access is from Strathmore Road or Willow Road. The Board confirmed that the other abutters do not have rights to half of that pathway. A Board member said that it is not a private way and probably would not be subject to the Derelict Fee Statute, which would give other rights for utilities and to the center line. He said that would make the shape of the lot irregular. He said that it is a pork chop lot.

The Board said that the lot is nonconforming due to setbacks.

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 Dorset Lane, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum left side yard setback of 6.1 feet. The existing garage has a minimum right side yard setback of 6.9 feet.

The Petitioner is requesting a variance pursuant to the provisions of Section XIVE, Section XIX and Section XXIV-D of the Zoning Bylaw for demolition of an existing nonconforming garage and construction of a one-story, one-car garage to be attached to the existing house, with less than required right side yard setbacks, on an existing nonconforming structure with less than required left side yard setbacks, in a 10,000 square foot Single Residence District, in a Water Supply Protection District.

Letter in Support of a Variance, dated 3/15/16, from Jeff & Kay Thomas, a Plot Plan, dated 3/15/16, stamped by Terrence M. Ryan, Professional Land Surveyor, Proposed Floor Plans & Elevation Drawings, dated 3/9/16, prepared by Kraus Associates, and photographs were submitted.

On May 3, 2016, the Planning Board reviewed the petition and recommended that the variance be granted.

#### 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 literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner owing to circumstances relating to the shape and topography of the land, which does not generally affect the zoning district that it is in, and desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

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Therefore, the requested variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is granted for demolition of an existing nonconforming garage and construction of a one-story, one-car garage to be attached to the existing house, with less than required right side yard setbacks, on an existing nonconforming structure with less than required left side yard setbacks, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, in accordance with the submitted plot plan and construction drawings and subject to the following condition.

- The existing garage shall be removed.

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 variance shall expire one year after the date time stamped on this decision.

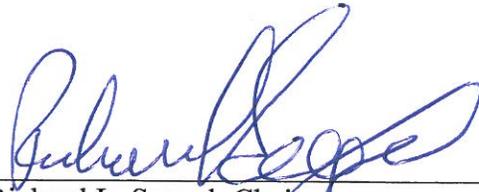
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.



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Richard L. Seegel, Chairman



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Robert W. Levy



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Walter B. Adams

cc: Planning Board  
Inspector of Buildings  
lrm

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# PROPOSED PLOT PLAN 4 DORSET LANE WELLESLEY, MASS.

DATE: MARCH 15, 2016

SCALE: 1" = 20'

PREPARED FOR:

JEFFREY THOMAS & KAY LEE  
4 DORSET LANE  
WELLESLEY, MASS. 02482

ENGINEERS & SURVEYORS:

APPLEWOOD SURVEY LLC  
21 GREEN STREET  
HOLLISTON, MASS. 01746  
TERRENCE M. RYAN R.L.S. 37057

ZONED: SINGLE RES.  
AREA: 10,000 SF  
FRONTAGE: 60 FT  
SETBACK: 30 FT  
SIDEYARD: 20 FT  
REARYARD: 10 FT  
COVERAGE: 2,500 SF

DEED BOOK 16584 PAGE 573  
ASSESSORS MAP 159 LOT 97  
EXISTING COVERAGE: 1,539 SF = 14.0%  
PROPOSED COVERAGE: 1,742 = 15.8%

AVERAGE GRADE AROUND HOUSE: 195.8  
EXISTING ROOF APEX: 224.00  
EXISTING BUILDING HEIGHT: 28.2'



I CERTIFY THAT THE LOT SHOWN AND EXISTING HOUSE SHOWN THEREON ARE LOCATED IN A FEDERAL FLOOD HAZARD ZONE "X" - SUBJECT TO MINIMAL FLOODING (SOURCE: F.I.R.M. 25021C0016E).

