

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

J. RANDOLPH BECKER, CHAIRMAN
ROBERT W. LEVY, VICE CHAIRMAN
DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208

WALTER B. ADAMS
DEREK B. REDGATE
RICHARD L. SEEDEL

2022 JUN 16 PM 3:07
TOWN CLERK'S OFFICE
WELLESLEY MA 02482

ZBA 2022-42
Petition of Yu Zhu
8 Fairbanks Avenue

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 2, 2022, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Yu Zhu requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that construction of a deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side and right side yard setbacks, on a 6,680 square foot lot with less than required frontage 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 May 3, 2022, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Present at the public hearing was Dan O'Connor, O'Connor Construction, representing Joanne Zhu, the Petitioner. Mr. O'Connor said that it is a nonconforming house on a nonconforming lot. He said that the request is for approval to build a deck at the back of the house that adjoins a small porch. He said that it will be approximately 9 feet above grade.

A Board member confirmed that the area showing a roof over the existing landing is the entrance to the house. He said that part of the deck will be a walkway. He asked if there was any thought of moving the deck so as not to extend the nonconformity. Mr. O'Connor discussed the 20 foot side yard setback requirement.

A Board member said that the neighbor's house on the side of the property where the proposed porch will be built is far away. Mr. O'Connor said that the neighbor rents the house. He said that the Petitioner spoke with the neighbors on the other side.

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 frontage of 50 feet where 60 feet is required, a minimum left side yard setback and a minimum right side yard setback of 10.2 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that construction of a deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side and right side yard setbacks, on a 6,680 square foot lot with less than required frontage 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 4/1/22, revised 5/16/22, stamped by Dennis B. O'Brien, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 4/19/22, prepared by Dan O'Connor, and a photograph were submitted.

On May 20, 2022, 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.

It is the opinion of this Authority that construction of a deck with less than required right side yard setbacks, on an existing nonconforming structure with less than required front yard, left side and right side yard setbacks, on a 6,680 square foot lot with less than required frontage in a Single Residence District in which the minimum lot size is 10,000 square feet will result in the intensification of an existing nonconformity, will not result in additional nonconformities, and will 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 right side yard setbacks, in accordance with the submitted plans.

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.

ZBA 2022-42
Petition of Yu Zhu
8 Fairbanks Avenue

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.



David G. Sheffield, Acting Chairman



Walter B. Adams



Richard L. Seegel

ZBA 2022-42
Applicant Yu Zhu
Address 8 Fairbanks Avenue

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2022 JUN 16 PM 3:07

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

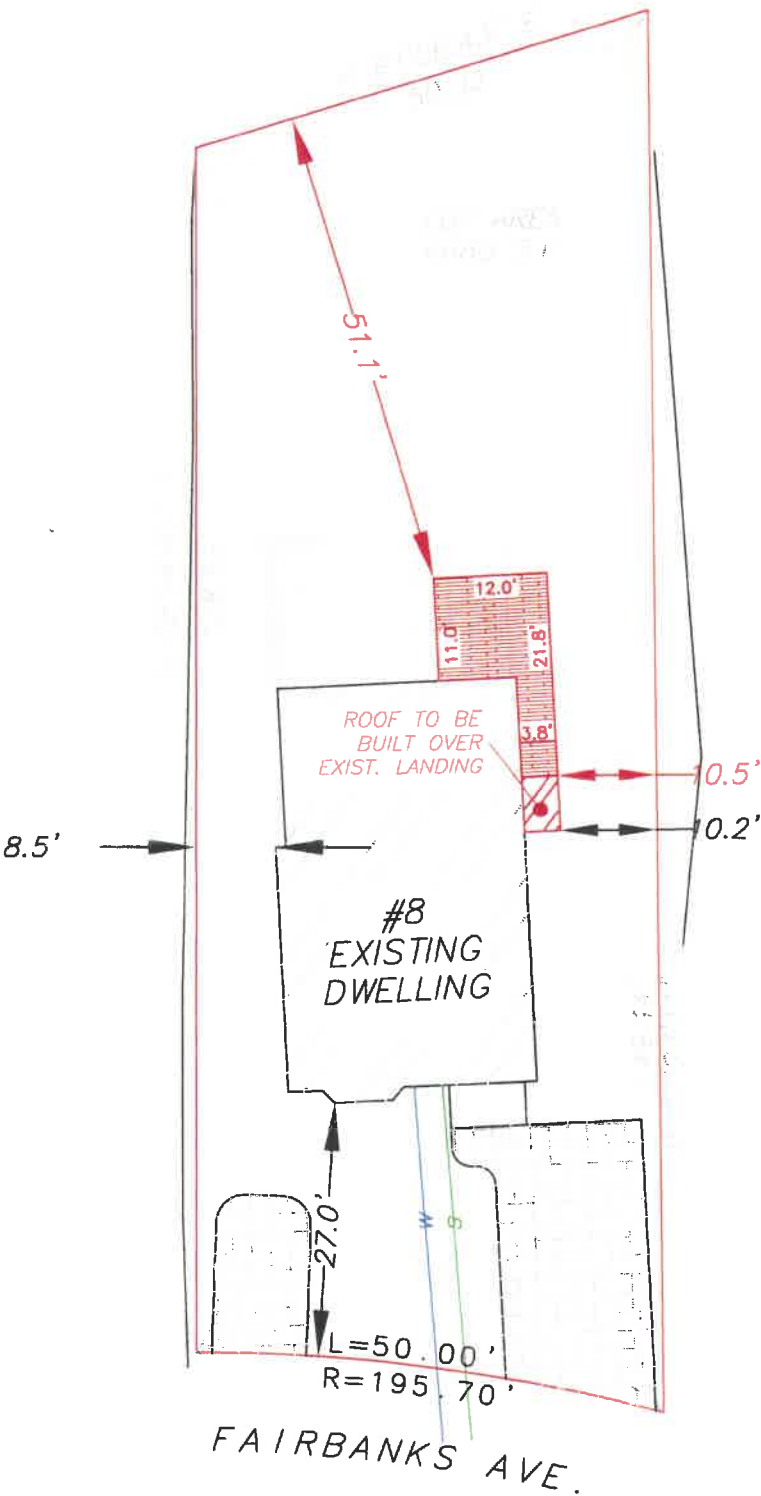
Attest:

Cathryn Jane Kato
Town Clerk

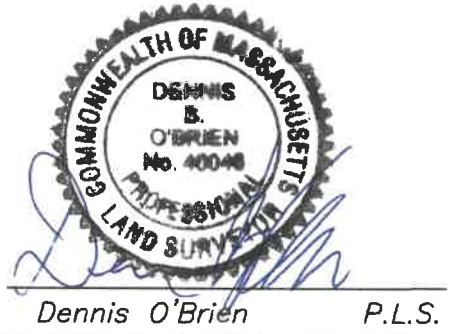
cc: Planning Board
Inspector of Buildings
lrm

NOTES:
ALL OFFSETS & DIMENSIONS
ARE TO THE SIDING UNLESS
OTHERWISE NOTED.
ALL ELEVATIONS ARE ON
XX DATUM.

ZONED - SRC
MINIMUM AREA = 10,000 SQ FT
MINIMUM UPLAND AREA = 7,500 SQ FT
MINIMUM FRONTAGE = 75'
FRONT SETBACK = 30'
SIDE SETBACK = 10'
REAR SETBACK = 35'



EXISTING LOT COVERAGE 17.4% (1,165 S.F.)
NEW LOT COVERAGE 17.8% (1,188 S.F.)



PLAN SHOWING PROPOSED DECK
8 FAIRBANKS AVE
WELLESLEY, MA NORFOLK COUNTY

SCALE: 1"=20'	DATE: 4/1/2022	REVISED: 5/16/2022	DRAWN BY: M.F.W.	CHECKED BY: D.O.
------------------	-------------------	-----------------------	---------------------	---------------------