

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

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

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ZBA 2001-76

Petition of Stephanie and Faramarz Farrohi
12 Hastings Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 25, 2001 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of STEPHANIE AND FARAMARZ FARROHI requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of a two-story 16 foot by 23.3 foot addition and a 12 foot by 16 foot deck, both of which will have less than the required right side yard setback, at their nonconforming dwelling with less than the required front and right side yard setbacks at 12 HASTINGS STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 9, 2001, the petitioners filed 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 Faramarz Farrohi, who said that their house has only two closets and one of the bedrooms has neither heat nor a closet. The neighbors have no problems with the additions. They would like to make the house large enough for a family of four to live in it.

The Board noted that the Planning Board opposed the granting of the Special Permit, as the project is too close to the right side line and would be an unfair imposition on the right side abutter.

The Board commented that the addition appears to come closer to the right side line than the existing house. The house has a 4.4 feet setback from the right side line, while the addition will be 4.15 feet from the right side line. The Board suggested that the addition be set back so that, at a minimum, it would not come any closer than the existing house.

The Board voted unanimously to continue the hearing on the petition to November 29, 2001 to allow the Farrohis an opportunity to submit revised plans. The Board required a new plot plan showing the revised right side yard setback, a revised right side yard elevation and floor plans showing the new dimensions.

On November 13, 2001, the Farrohis submitted the requested revisions showing the dimensions of the two-story addition to be 16 feet by 22.5 feet with a minimum right side yard clearance of 4.65 from the right rear corner.

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On November 29, 2001, the petitioners appeared before the Board requesting a Special Permit/Finding based on their revised plans. The Board thanked the Farrohis for their compliance. No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 12 Hastings Street, in a Single Residence District, on a 10,000 square foot lot, and has a minimum right side yard setback of 4.4 feet and a minimum front yard setback of 20.2 feet.

The petitioners are requesting a Special Permit/Finding that the construction of a two-story 22.5 foot by ^{16.0}25.6 foot addition with a minimum right side yard setback of 4.65 feet and a 16 foot by 12 foot deck with a minimum right side yard setback of 11.3 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A plot plan dated September 13, 2001, revised November 1, 2001, stamped by Robert F. Drake, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated August 10, 2001, drawn by Howard L. Millard; and photographs were submitted.

On October 16, 2001, the Planning Board reviewed the petition and opposed the granting of the petition. The Board felt that the project was simply too close to the right sideline and would be an unfair imposition on the abutting property.

On November 27, 2001, the Planning Board reviewed the revised petition and reaffirmed its comment of October 16, 2001.

Decision

This Authority has made a careful study of the materials submitted and the information presented at both Public Hearings. The subject property does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the construction of the 22.5 foot by ^{16.0}25.6 foot two-story addition and the 16 foot by 12 foot deck, both of which have less than the required right side yard setback, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, for although the addition and deck will intensify the existing nonconformance, neither structure will create new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the November 29, 2001 Public Hearing, for the construction of the 22.5 foot by 25.6 foot two-story addition and the 16 foot by 12 foot deck in accordance with the revised plot plan, revised floor plans and revised right side elevation.

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.

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ZBA 2001-76
Petition of Stephanie and Faramarz Farrohi
12 Hastings Street

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.

Cc: Planning Board
Inspector of Buildings
edg

Kendall P. Bates

Kendall P. Bates, Chairman

Cynthia S. Hibbard

Cynthia S. Hibbard

Richard L. Seegel

Richard L. Seegel

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JAN -11 A 8:12
2002

Drake Associates Inc.

770 Grove Street
Framingham, Ma. 01701
Civil Engineers Land Surveyors

Mass Bay Survey
1185 Washington Street
Newton Ma 02465

Sept 26, 2008

Subject: Certified Plot Plan dated Jan 17, 2002
12 Hastings Street
Wellesley Ma

Gentlemen,

At your request , I have examined my field notes from the above caption certified plot plan and can certify that the dimensions of 7.7' x 10.4' that we show on the front deck at the subject residence are the dimensions of the fascia boards and not the treads. If you have any other questions, do not hesitate to contact this office.

Regards,
Drake Associates Inc


Robert F. Drake PLS

