



ZONING BOARD OF APPEALS

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

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ZBA 2015-39
 Petition of Khalil & Sameena Pirani
 12 Rice Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 7, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of KHALIL & SAMEENA PIRANI requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, at 12 RICE STREET, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 21, 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 were Khalil and Sameena Pirani, (the Petitioner).

Mr. Pirani said that they have been residents since 1993. He said that they previously lived on Route 9.

Mr. Pirani said that the request is for a special permit for an extension at the back of the existing house. He said that the existing house has two bedrooms and they are a family of five people.

The Board said that it was concerned about the length of the structure on the north side. The Board said that it will be a very long, unbroken piece.

The Board said that the line is broken on the other side by setting the addition in. Mr. Pirani said that the intent was to continue the line. He said that there is a porch on the right side.

The Board said that there is a different roof height for the addition. Mr. Pirani said that the intent is to retain the integrity of the 1877 house. He said that he wanted to distinguish the new from the old.

The Board asked if the Petitioner tried to create a narrow addition that would meet the setback requirements but would not work. Mr. Pirani said that he did try and he could not get it to work. He said that it is a tough lot.

There was no one present at the public hearing who wished to speak to the petition.

FILED
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Statement of Facts

The subject property is located at 12 Rice Street, in a General Residence District, with a minimum front yard setback of 16.1 feet, a minimum left side yard setback of 15.4 feet, and a minimum right side yard setback of 19.9 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 3/23/15, stamped by Paul G. Josephson, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 3/24/15, prepared by Khalil Pirani, and photographs were submitted.

On May 4, 2015, the Planning Board reviewed the petition and recommended that the special permit 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 although construction of a two-story addition with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks 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 two-story addition with less than required left side yard setbacks, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, 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 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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12 Rice Street

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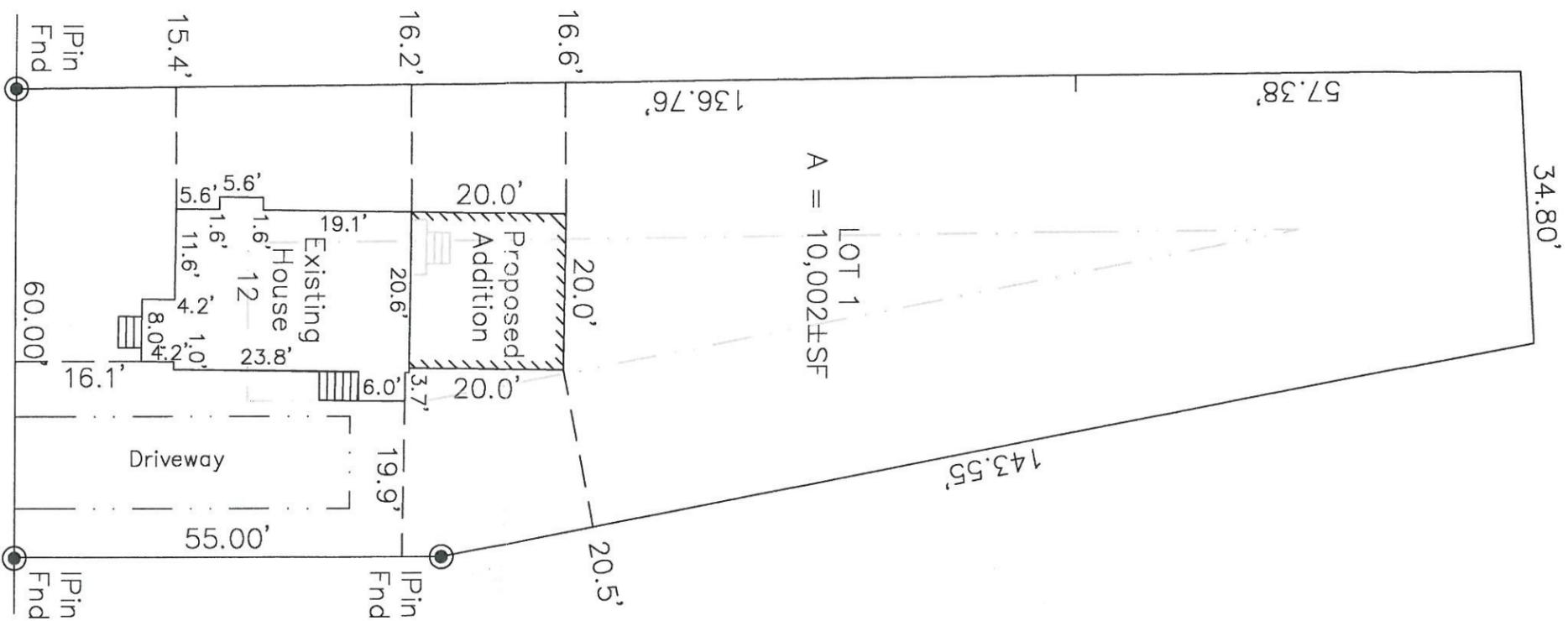
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


Richard L. Seegel, Chairman


Robert W. Levy


Walter B. Adams

cc: Planning Board
Inspector of Buildings
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RICE STREET

DEED REF: 32790-561
 PLAN REF: 4867-300
 ZONING - GENERAL
 RESIDENCE

EXISTING LOT COVERAGE = 7%
 690 SF
 PROPOSED LOT COVERAGE = 11%
 1090 SF

Date 03/23/15

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 31130 S.KR113 NKOL
 03M133R
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WELLESLEY, MASS.
 Scale 1" = 20'



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