

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

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

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ROBERT A. BASTILLE
J. RANDOLPH BECKER
ROBERT W. LEVY

ZBA 2004-22
Petition of Krassen and Irina Draganov
5 Walnut Place

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, April 15, 2004, at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of KRASSEN AND IRINA DRAGANOV requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow demolition of their existing nonconforming dwelling and construction of a one and one-half story 58 foot by 28 foot dwelling with less than the required front and rear yard setbacks at 5 WALNUT PLACE, on a 7,153 square foot lot in a Single Residence District in which the minimum lot size required is 10,000 square feet.

On March 29, 2004, the petitioners 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 Krassen and Irina Draganov. Mr. Draganov said that based on the Board's recommendations at the two prior hearings, they have submitted a new set of plans and plot plan to address the expressed concerns of the Board. The proposed house has been reduced from a two and one-half story colonial to a one and one-half story cape; the garage has been eliminated; the house has been located farther back and farther down on the lot; the house is narrower and lower; and a plot plan with two foot contours has been provided.

Mr. Draganov said the existing house is 130 years old and has suffered from fire damage. They have shown their plans to all their neighbors, and all are in favor of the project.

Mr. Seegel said it appears that both the front and rear elevations are two stories. Mr. Bastille explained that the front dormers are one and one-half stories, but the rear of the house will have two stories.

Mr. Draganov said they had weighed options for the garage, and decided not to located it at the end of the house as it would block the light. There will be no garage.

Mr. Seegel noted that the Planning Board recommended approval of the variance request. The Planning Board further stated that the Draganovs must appear before the Board in regard to the adequacy of the way before they are able to obtain a building permit.

Lisa Keen, 8 Hunting Street, expressed support for the petition.

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ZBA 2004-22
Petition of Krassen and Irina Draganov
5 Walnut Place

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Statement of Facts

2004 APR 28 | A 8:15 |

The subject property is located at 5 Walnut Place on a 7,153 square foot lot in a 10,000 square foot Single Residence District, and has a minimum front setback of 3 feet, a minimum right side yard setback of 12 feet and a rear yard setback of 10.8 feet. The lot is less than 60 feet deep at the westerly end and narrows to a depth of 42.16 feet at the easterly end. Walnut Place is a 12 foot wide private way, has a steep drop from the intersection with Walnut Street to the location of the existing house and ends approximately at the middle of the lot less than 100 feet from Walnut Street. Several years ago, the house was damaged by a fire, which affected both the interior and exterior of the structure.

The petitioners are requesting a variance to allow demolition of the existing two and one-half story house and construction of a new one and one-half story 58 foot by 28 foot dwelling with a minimum rear yard setback of 5 feet and a minimum front yard setback of 7.8 feet.

At the Public Hearings held on January 8, 2004 and February 12, 2004, the petitioners submitted applications for variances. At both hearings, the Board allowed the Draganovs to withdraw their petitions without prejudice.

An Existing Plot Plan dated December 1, 2003, a Proposed Plot Plan dated January 20, 2004, revised 1/29/04, revised 3/17/04, both stamped by Frank Iebba, Professional Land Surveyor; Proposed Floor Plans and Elevations dated March 24, 2004, prepared by Frank Busa; and photographs were submitted.

On April 13, 2004, the Planning Board reviewed the petition and stated:

“The relocation of the structure allows the house to meet both of the side yard setbacks. The house size proposed has been reduced, and the front yard depth of the original house has been maintained. The house is within the maximum lot coverage allowed of 25%. The applicants must also seek review of adequacy of the way from the Planning Board prior to construction.”

Decision

This Authority has made a careful study of the materials submitted and the information presented at the Public Hearing. Neither the subject structure nor the subject lot complies with the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the shape of the lot with a depth of less than 60 feet at its widest point, narrowing to approximately 42 feet at midpoint, creates a severe hardship for the petitioners, as they could not build a livable house which would conform to the 30 foot front yard setback and 10 foot rear yard setback requirements.

It is the opinion of this Authority that the proposed structure shall be less nonconforming than the existing structure as the right side yard shall be in compliance with the 20 foot setback requirement and the front setback shall be maintained. Only the rear yard setback shall be diminished.

It is the opinion of this Authority that due to the hardship created by the shape of the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioners. Furthermore, the grant of a variance would not be detrimental to the neighborhood nor nullify or derogate from the intent or purpose of the Zoning Bylaw.

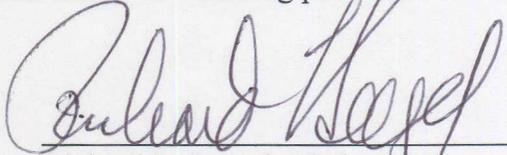
Therefore, the requested variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is granted to allow demolition of the existing nonconforming structure and construction of the one and one-half story 58 foot by 28 foot dwelling with a minimum rear yard setback of 5 feet and a minimum front yard setback of 7.8 feet in accordance with the submitted Proposed Plot Plan and the last revision of the 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 construction plans.

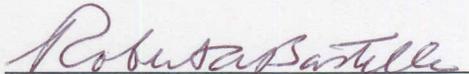
If the rights authorized by this variance are not exercised within one year of the date time-stamped on this decision, they shall lapse and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

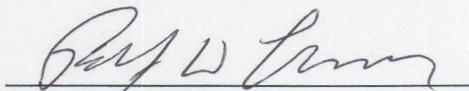
Cc: Planning Board
Inspector of Buildings
edg



Richard L. Seegel, Chairman



Robert A. Bastille

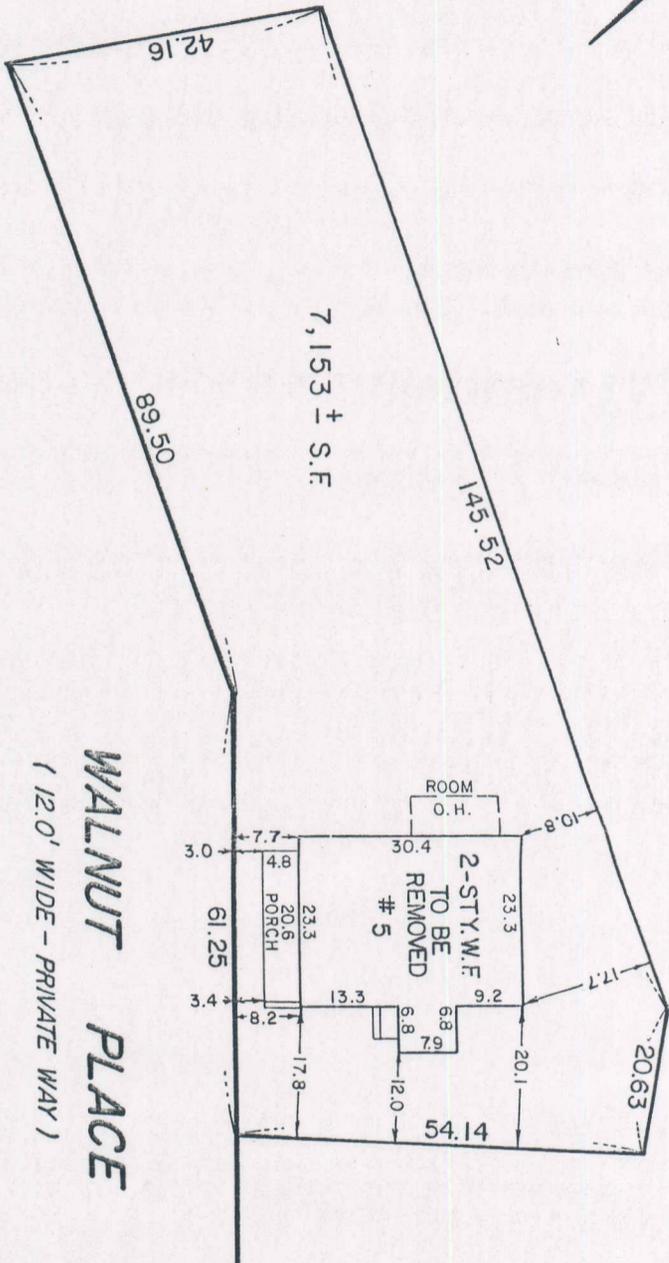


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WALNUT PLACE
(12.0' WIDE - PRIVATE WAY)



LOT COVERAGE = 12.7% 910 SQ. FT.

PLAN OF LAND
1 IN

WELLESLEY, MASS.

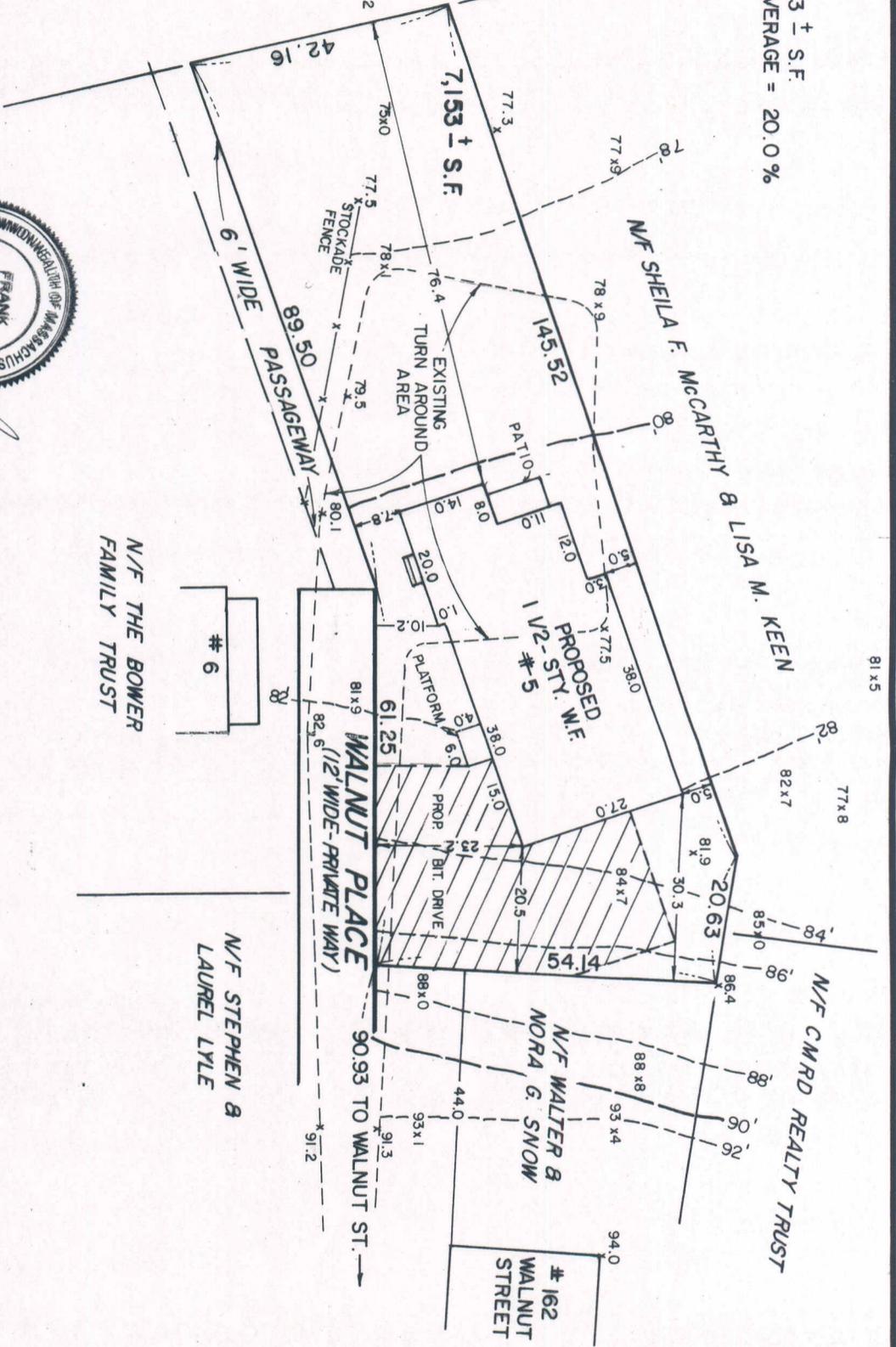
SCALE : 1" = 20'
ESSEX ENGINEERING & SURVEY

DEC. 1, 2003
NEWTON, MASS.

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2003 DEC 15 A 8:59

LOT AREA = 7,153 ± S.F.
 PROPOSED LOT COVERAGE = 20.0%
 (1,438 ± S.F.)

TOWN OF WELLESLEY



BUILDING ZONE:
 SINGLE RES. 10,000 S.F.
 ASSESSORS REFERENCE:
 MAP 28 PARCEL 37
 RECORD OWNER:
 KRASSEN D. DRAGANOV
 5 WALNUT STREET
 WELLESLEY, MA
 NOTE: ASSUMED ELEV. = 100.00 @ WALNUT PLACE

PLAN OF LAND
 IN
WELLESLEY, MASS.

SCALE: 1" = 20'
 ESSEX ENGINEERING & SURVEY

JAN. 20, 2004
 NEWTON, MASS.
 REVISED: 1-29-2004
 3-17-2004