



## ZONING BOARD OF APPEALS

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ZBA 2008-60  
Petition of Riaz & Cecily Cassum  
7 Locust Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 14, 2008 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of RIAZ & CECILY CASSUM requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing 20.6 foot by 24.1 foot garage and construction of a 25 foot by 27 foot garage with studio space above with less than required side yard and rear yard setbacks, on a 16,080 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 7 LOCUST ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 29, 2008, 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 Riaz Cassum (the "Petitioner") and Sara White, Architect. Mr. Cassum said that they have lived in the house for 15 years. He said that they have done substantial renovations to the house but the garage has not been renovated. He said that the style of the house is very different architecturally. The roof on the house was converted from a gambrel to a gable. The garage still has the gambrel roof. The garage is in bad condition and in need of repair. Mr. Cassum said that the plan is to have a garage that is safe and one that fits in with the neighborhood. He said that the proposed garage is not much larger than the existing one.

Mr. Cassum said that the proposed second story on the garage will be primarily used as a loft with storage area. He said that there are no plans to make it living space.

The Board said that a condition of the Special Permit will be that there be no plumbing in the garage. Sara White said that the garage will be heated. She said that the type of heating has not been determined yet.

Ms. White said that the existing garage is 17.1 feet high and the proposed garage will be 22.6 feet high. She said that there will be an increase of 79 square feet to the footprint.

The Board said that the neighbor on the right is close. Mr. Cassum said that the neighbor's pool house abuts the stone wall.

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

#### Statement of Facts

The subject premises is located at 7 Locust Road, on a 16,080 square foot lot in a district in which the minimum lot size is 20,000 square feet, with a minimum right side yard setback of 10.5 feet and a minimum rear yard setback of 10 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing 20.6 foot by 24.1 foot garage and construction of a 25 foot by 27 foot garage with studio space above with less than required side yard and rear yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 7/16/08, stamped by Robert F. Drake, Registered Professional Land Surveyor, Elevation and Floor Plans, drawn by Hart Associates Inc., and photographs were submitted.

On August 14, 2008, the Planning Department staff reviewed the petition and had no objection to granting the request.

#### 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 finding of this Authority that although demolition of an existing 20.6 foot by 24.1 foot garage and construction of a 25 foot by 27 foot garage with studio space above 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 demolition of an existing 20.6 foot by 24.1 foot garage and construction of a 25 foot by 27 foot garage with studio space with less than required side yard and rear yard setbacks, subject to the following condition:

- There shall be no plumbing in the garage.

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 Special Permit shall expire two years after the date time stamped on this decision.

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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Cynthia S. Hibbard, Acting Chairman

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Robert W. Levy

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David L. Grissino

cc: Planning Board  
Inspector of Buildings  
lrm