

**ZONING BOARD OF APPEALS**

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

RICHARD L. SEEDEL, CHAIRMAN
CYNTHIA S. HIBBARD
DAVID G. SHEFFIELDLENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208J. RANDOLPH BECKER, VICE CHAIRMAN
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DAVID L. GRISSINO

ZBA 2010-42
Petition of Suja Ramnath
358 Linden Street

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, June 3, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of SUJA RAMNATH requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of an 8.8 foot by 6 foot one-story addition and construction of a 16 foot by 16 foot two-story addition that will meet all setback requirements on an existing nonconforming structure with less than required right side yard setbacks, at 358 LINDEN 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 May 17, 2010, 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 was Suja Ramnath (the "Petitioner"), who said that the proposal is to construct a 16 foot by 16 foot two-story addition with a bumpout.

The Board asked that the house number be moved to where it will be visible at the front door.

The Board said that the dimension from the new construction to the side lot line and the dimension from the corner of the existing house to the side lot should be shown on the plot plan.

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 358 Linden Street, in a Single Residence District.

The Petitioner is requesting a Special Permit/Finding that construction of an 8.8 foot by 6 foot one-story addition and construction of a 16 foot by 16 foot two-story addition that will meet all setback requirements on an existing nonconforming structure with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A plot plan dated 4/29/10, stamped by Clifford E. Rober, Professional Land Surveyor, existing and proposed floor plans and elevation drawings, dated 4/11/10, prepared by AFAB Enterprises, and photographs were submitted.

On June 2, 2010, the Planning Board 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 opinion of this Authority that construction of an 8.8 foot by 6 foot one-story addition and construction of a 16 foot by 16 foot two-story addition that will meet all setback requirements on an existing nonconforming structure with less than required right side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted for construction of an 8.8 foot by 6 foot one-story addition and construction of a 16 foot by 16 foot two-story addition, subject to the following condition:

- A revised plot plan shall be submitted showing the dimension from the new construction to the right side lot line and the dimension from the corner of the existing house to the right side lot line.

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.

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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

J. Randolph Becker

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm