



ZONING BOARD OF APPEALS

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

RICHARD L. SEEDEL, CHAIRMAN
J. RANDOLPH BECKER, VICE CHAIRMAN
DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208
web: www.wellesleyma.gov

ROBERT W. LEVY
WALTER B. ADAMS
DEREK B. REDGATE

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2013 FEB 21 P 3:11

ZBA 2013-07
Petition of Kashif Siddiqui
64 Donizetti Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, February 7, 2013, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of KASHIF SIDDIQUI requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming garage and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and right side yard setbacks, in a 10,000 square foot Single Residence District, at 64 DONIZETTI STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On January 23, 2013, 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 David Himmelberger, Esq. and Kashif Siddiqui, (the "Petitioner").

Mr. Himmelberger said that the request is for a Special Permit for renovation and addition to a pre-existing nonconforming house with less than required side yard setback.

Mr. Himmelberger said that the Petitioner came before the Board in September with a substantially larger proposed addition. He said that petition was withdrawn without prejudice. He said that one of the Board's major comments about the prior proposal was that the addition at the back did not respect the roof lines on the front portion of the house. He said that the scaled down new construction follows the existing gambrel roof. He said that they have changed the size and reduced it significantly from what had previously been proposed. He said that they will be below the appropriate Total Living Area plus Garage (TLAG) for the site. He said that they will be well within the appropriate lot coverage. He said that they have signatures of support from 9 immediate abutting neighbors.

Mr. Himmelberger said that the lot coverage will be increased by 711 square feet.

The Board said that the revised proposal did respond to the Board's comments at the September hearing. The Board said that the current proposal is much more consistent with the neighborhood.

The Board discussed minor architectural changes to the plans.

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 64 Donizetti Street, in a 10,000 square foot Single Residence District, with a minimum left side yard setback of 11.3 feet and a minimum right side yard setback of 11 feet.

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

Existing Plot Plan, dated 6/21/12 and Proposed Addition Plan, dated 6/22/12, stamped by Claudio Sala, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, and photographs were submitted.

On February 6, 2013, 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 demolition of an existing nonconforming garage and construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required left side yard and 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, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing nonconforming garage and construction of a two-story addition that will meet all setback requirements, 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.

2013 FEB 21 P 3:11
TOWN ENGINEER'S OFFICE
WELLESLEY MA 02482

ZBA 2013-07
Petition of Kashif Siddiqui
64 Donizetti Street

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2013 FEB 21 P 3:11

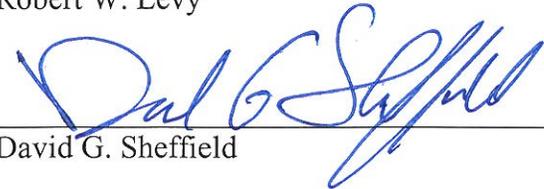
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



J. Randolph Becker, Acting Chairman



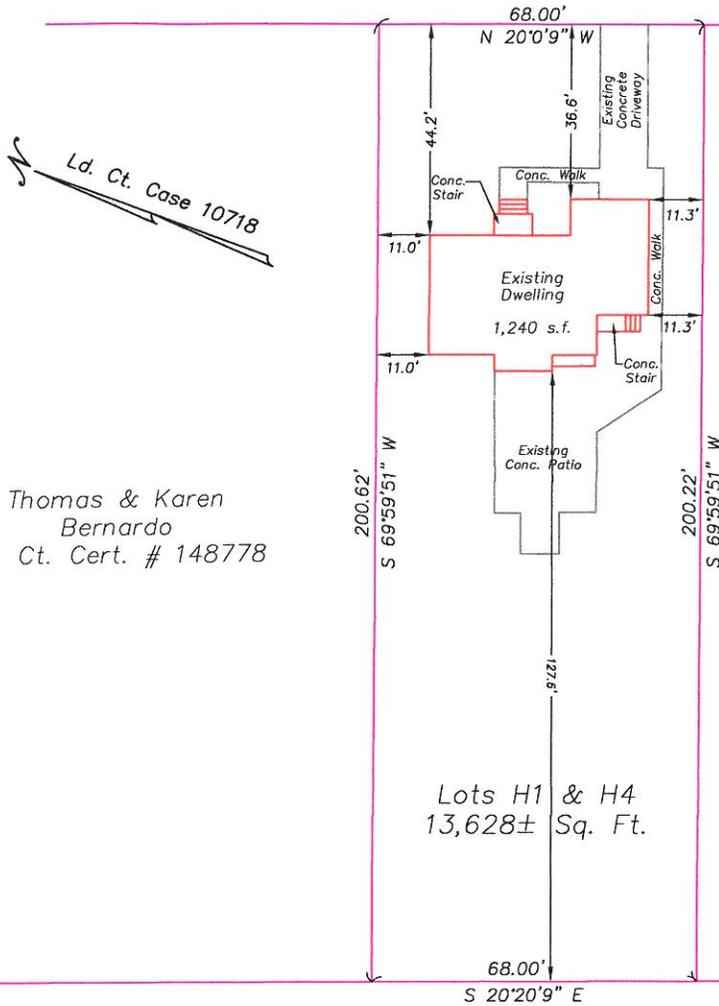
Robert W. Levy



David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm

DONIZETTI (Public - 50' Wide) STREET



Thomas & Karen
Bernardo
Ld. Ct. Cert. # 148778

Charles M. Boyer
Ann E. Lebed
Book 25865, Page 397
Ld. Ct. Cert. # 176910

Lots H1 & H4
13,628± Sq. Ft.



RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2013 JAN 23 A 10:58

N/F
TOWN OF WELLESLEY

Notes:

1. Assessors Reference: 110-65
2. Zoning District: Single Residence 10
3. Title Reference: Cert. of Title No. 170702
4. Parcel is located in a F.E.M.A. Zone C as shown on F.I.R.M. Community-Panel No. 250242-0005-B, dated Sept. 5, 1979. (Not a special Flood Hazard Area)
5. All building dimensions and offsets are measured to corner concrete foundation.
6. Lot Coverage : Existing Structures
= 1240/13,628 = 9.1%

EXISTING CONDITIONS PLOT PLAN
64 DONIZETTI STREET
WELLESLEY, MASS.

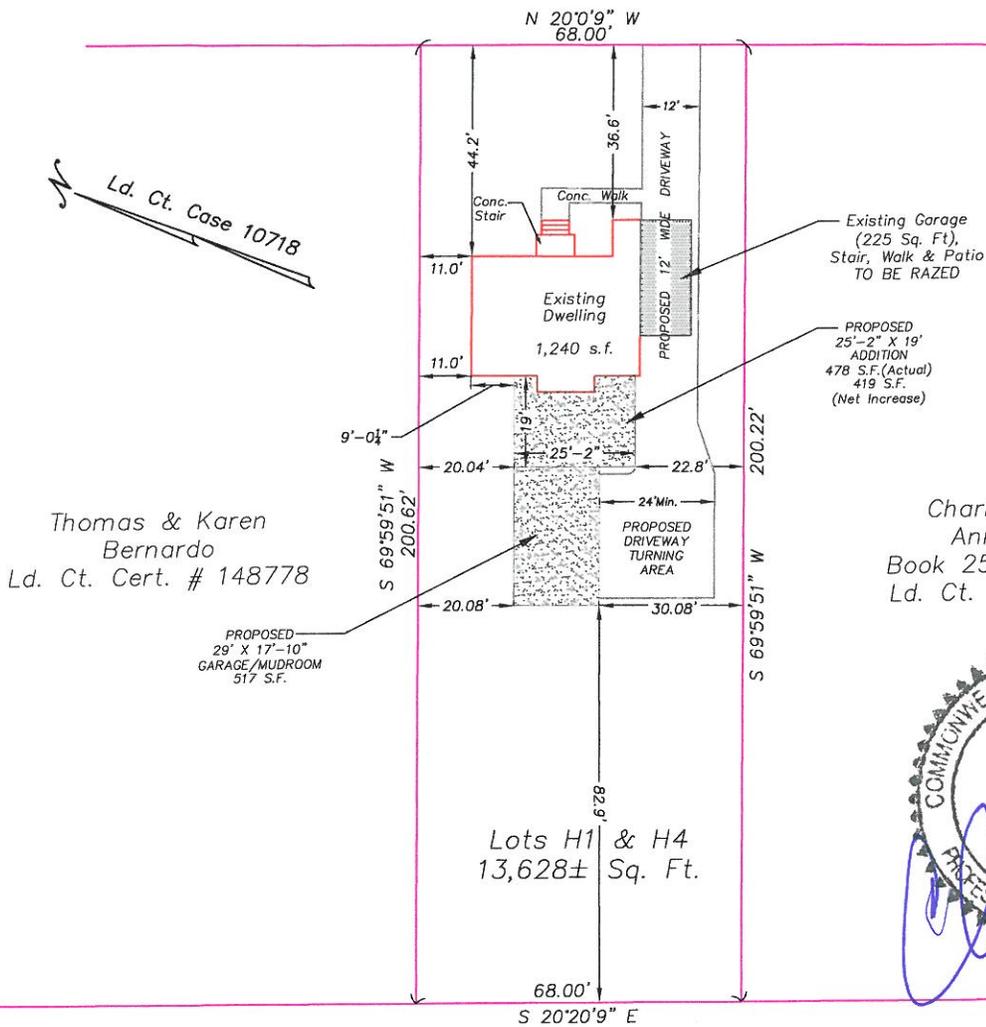
PREPARED BY:
CLAUDIO SALA, P.L.S.
REGISTERED LAND SURVEYOR
145 WHITWELL STREET, QUINCY, MA 02169
617-773-7707

SCALE: 1" = 40'	DATE: June 21, 2012	REVISIONS:
--------------------	------------------------	------------

FILE # 10302

DWG.
L-1

DONIZETTI (Public - 50' Wide) STREET



RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2013 JAN 23 A 10:58

Charles M. Boyer
Ann E. Lebed
Book 25865, Page 397
Ld. Ct. Cert. # 176910



- REVISIONS:
- 7/25/2012 (Addtns.)
 - 7/26/2012 (Rev. Addtns.)
 - 7/28/2012 (Reloc. Addtns.)
 - 12/26/2012 (Rev. Addtns.)
 - 1/05/2013 (Rev. Addtns.)
 - 1/07/2013 (Rev. Addtns.)
 - 1/09/2013 (Add Note #8)
 - 1/10/2013 (Add D-way.)

Notes:

1. For existing site conditions, see Dwg. L-1
Lot Coverage : Existing Structures
= 1240/13,628 = 9.1%
2. Assessors Reference: 110-65
3. Zoning District: Single Residence 10
4. Title Reference: Cert. of Title No. 184776
5. Parcel is located in a F.E.M.A. Zone C as shown on F.I.R.M. Community-Panel No. 250242-0005-B, dated Sept. 5, 1979. (Not a special Flood Hazard Area)
6. All building dimensions and offsets are measured to corner concrete foundation. Refer to Architectural Plans for further details.
7. Building/Lot Coverage :
1,240-225+419+517 = 1,951, Sq. Ft.
1,951/13,628= 14.3%
8. As a pre-existing non-conforming lot, the 500 foot rule does not apply

N/F
TOWN OF WELLESLEY

PROPOSED ADDITION PLAN 64 DONIZETTI STREET WELLESLEY, MASS.		
PREPARED BY: CLAUDIO SALA, P.L.S. REGISTERED LAND SURVEYOR 145 WHITWELL STREET, QUINCY, MA 02169 617-773-7707		
SCALE: 1" = 40'	DATE: June 22, 2012	REVISIONS: (See Above)
FILE # 10302		DWG. L-2