



ZONING BOARD OF APPEALS

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

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ZBA 2014-81
 Petition of Ayush Agarwal
 41 Kingsbury Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 4, 2014, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of AYUSH AGARWAL 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 that will meet setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, on a corner lot in a 10,000 square foot Single Residence District, at 41 KINGSBURY STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On August 18, 2014, 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 Ayush and Kumud Agarwal, (the "Petitioner"). Mr. Agarwal said that the existing garage is nonconforming due to side yard setbacks. He said that the proposal is for construction of a two-story addition at the back of the house.

The Board said that there is currently a bulkhead that will have to be relocated. Mr. Agarwal said that they will have a second exit out using the new stairway. He said that where the bulkhead is currently will be the new entrance to the basement. He said that there will be doors there. The Board said that it was concerned about a Building Code issue. Mr. Agarwal said that his Architect told him that, as long as there are two exits, it should be fine. He said that he would check with the Building Inspector.

The Board said that the existing garage setback is 13.7 feet and will not change. The Board said that the garage is already attached to the house.

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 41 Kingsbury Street, on a corner lot with a minimum side yard setback of 13.7 feet, in a 10,000 square foot Single Residence District.

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 that will meet setback

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requirements, on an existing nonconforming structure with less than required left side yard setbacks, on a corner lot in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 7/5/14, revised 8/27/14, stamped by Patrick Roseingrave, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 7/9/14, revised 7/23/14 & 8/28/14, prepared by TBC, and photographs were submitted.

On September 3, 2014, 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 that will meet setback requirements, on an existing nonconforming structure with less than required left 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 that will meet setback requirements, on an existing nonconforming structure with less than required left side yard setbacks, in accordance with the revised 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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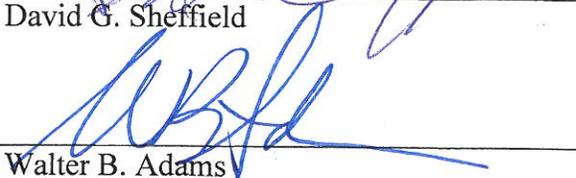
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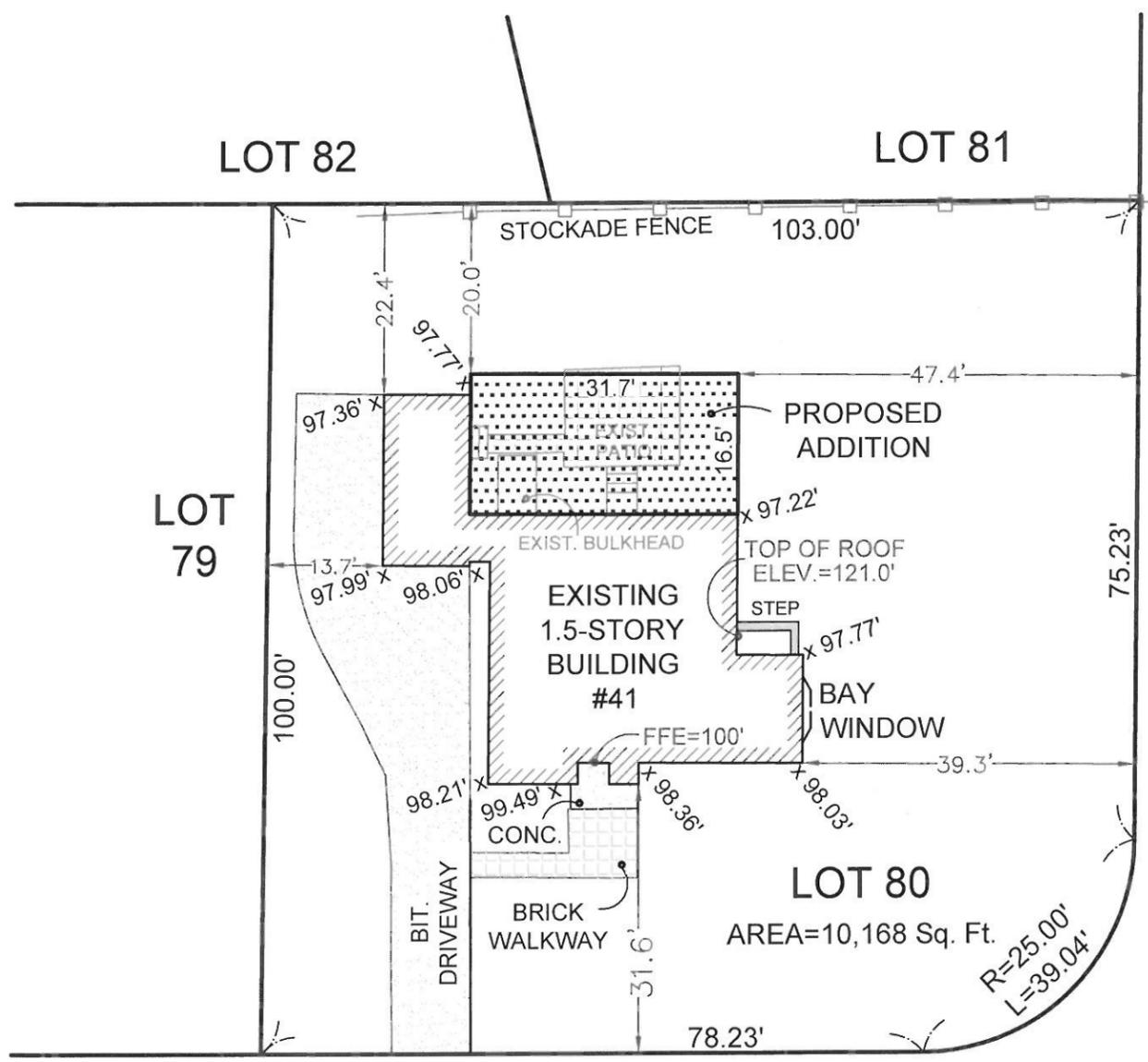
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.


Richard L. Seegel, Chairman


David G. Sheffield


Walter B. Adams

cc: Planning Board
Inspector of Buildings
lrm



AYER (50' WIDE-PUBLIC) ROAD

KINGSBURY (50' WIDE-PUBLIC) STREET

NOTES:

- * Scale 1inch = 20 ft.
- * Assessors Ref.: Map 110, Lot 80
- * Deed Ref.: Cert. 185267
- * Plan Ref.: LC Plan 1149-4
LC Plan 17429-B
Plan No. 249 of 1969
- * Zone: SRD 10
- * Minimum Setbacks Requirements:
 - Front: 30'
 - Side: 20'
 - Rear: 20'
- * Existing Building Coverage= 12.0%
- * Proposed Building Coverage = 17.5%
- * Average Grade Elevation = 98.0'
- * Top of Roof Elevation = 121.0'
- * Building Height = 23.0'
- * Elevations based on assumed datum.

Proposed Addition
 41 Kingsbury Street
 Wellesley, MA 02481



Patrick Roseingrave
 Patrick J. Roseingrave
 Professional Land Surveyor



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Date: August 27, 2014