



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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7BA 88-1

Petition of Alireza Hakimi and Nazila Bidabadi
11 Bemis Road - Unit #4

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 21, 1988 at 8 p.m. in the Great Hall of the Town Hall, 525 Washington Street, Wellesley on the petition of ALIREZA HAKIMI AND NAZILA BIDABADI requesting a finding pursuant to Section XVII and Section XXIV-D of the Zoning Bylaw that the proposed structural change of an addition of a third floor bedroom and bath, approximately 19 feet by 18 feet and a deck approximately 12 feet by 18 feet to UNIT FOUR, of the pre-existing non-conforming structure at 11 BEMIS ROAD shall not be substantially more detrimental than the existing non-conforming structure and use to the neighborhood.

On January 4, 1988 the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case was Alireza Hakimi, who was accompanied by his wife and his architect, Yeffim Massarsky. Mr. Hakimi explained the plans involved in the 310 square foot addition, and stated that the addition would not change the appearance of the building from the front. Presently, the unit has two small bedrooms which would be inadequate for a family. The abutting three-story building is taller than the structure at 11 Bemis Road.

Mr. Massarsky stated that there would be no change to the front of the building, and that the fire escape would be located adjacent to the deck area. If permission for the addition were granted, the owner of Unit Three, which is a mirror image of Unit Four, would then apply for a similar finding.

The Board stated that the submitted Plot Plan was inadequate as all setbacks were not shown, the north/south direction line is not shown, and the total square footage of the lot is missing. The Board requested an updated complete Plot Plan.

No other persons had any comments on the petition.

Statement of Facts

The pre-existing non-conforming structure is located at 11 Bemis Road, in a Single Residence District, on a 5,664.4 square foot lot with a front setback of 9.53 feet and a left side setback of 12.83 feet. The structure consists of four separate apartments. Unit 4 is located on the second floor at the right rear of the building. The total floor area of the building is 4,993 square feet. The proposed addition of 310 square feet is less than 10 percent of the total floor area.

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11 Bemis Road - Unit 4

The petitioners are requesting a finding that the proposed addition of a third floor bedroom and bath, approximately 19 feet by 18 feet and a deck approximately 12 feet by 18 feet to Unit 4, shall not be substantially more detrimental than the existing non-conforming structure and use to the neighborhood.

A Plot Plan, dated December 4, 1986, drawn by William M. Robertson, Professional Engineer, which was submitted with the original application, was deemed to be inadequate by the Board. On March 11, 1988, a Plot Plan, drawn by William M. Robertson, Professional Engineer, dated March 2, 1988, was submitted. Construction plans and elevations, dated November 17, 1987, drawn by Yefim Massarsky; and photographs were also submitted with the original application.

The Planning Board, at its regular meeting on January 19, 1988, voted to oppose the granting of the request. The Board believes the proposed addition represents a substantial alteration and would increase the detrimental impact on the neighborhood.

The petitioner is awaiting the decision of the Board before applying to the Design Review Board for review of a Minor Construction Project under Section XVIA.

Decision

This Authority has made a careful study of the evidence presented. The subject property is a pre-existing non-conforming structure.

It is the finding of this Authority that the extension and alteration of the pre-existing non-conforming structure at 11 Bemis Road, Unit 4, may be permitted within the bounds of the existing structure and in accordance with the Plot Plan and Construction Plans as described in the foregoing Statement of Facts. It is the further finding of this Authority that said change shall not be substantially more detrimental than the existing non-conforming use and structure to the neighborhood.

The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

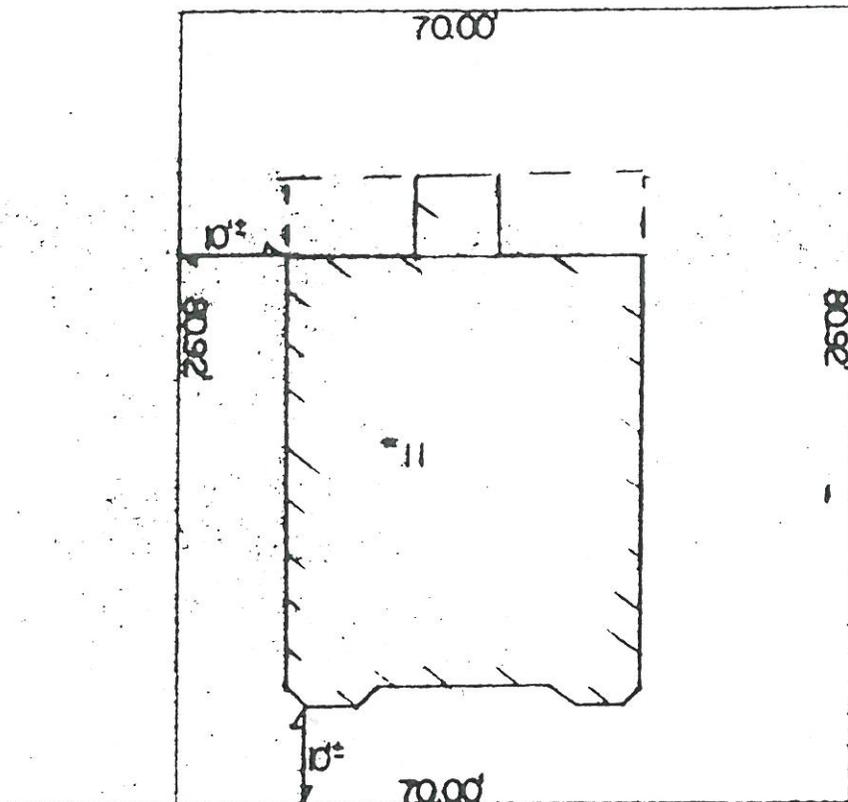
APPEALS FROM THIS DECISION, IF ANY,
SHALL BE MADE PURSUANT TO GENERAL
LAWS, CHAPTER 40A, SECTION 17, AND
SHALL BE FILED WITHIN 20 DAYS AFTER
THE DATE OF FILING OF THIS DECISION
IN THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Robert R. Cunningham


Kendall P. Bates



BEMIS ROAD

RECEIVED
 JOHN ROBERTSON'S OFFICE
 WELLESLEY, MASS.
 JAN 4 2 06 PM '88

I HEREBY CERTIFY THAT THE LOT(S) SHOWN ON THIS PLAN AND THE BUILDING(S) SHOWN ON SAID LOT(S) ARE LOCATED ON THE GROUND AS SHOWN AND, AT THE TIME OF CONSTRUCTION, ARE IN CONFORMANCE WITH THE ZONING LAWS, AND WITH THE BUILDING LAWS AS THEY PERTAIN TO ZONING, OF THE TOWN/CITY OF WELLESLEY MASSACHUSETTS.

ALL VISIBLE EASEMENTS AND ENCROACHMENTS ARE SHOWN HEREON. I FURTHER CERTIFY THAT THE ABOVE SHOWN LOT(S) ARE NOT LOCATED IN A FLOOD HAZARD AREA AS DEFINED ON THE F.I.R.M. FLOOD HAZARD BOUNDARY MAPS FOR THE TOWN/CITY OF WELLESLEY MASSACHUSETTS.

THIS INSPECTION HAS BEEN PERFORMED IN ACCORDANCE WITH THE APPROPRIATE TECHNICAL STANDARDS AND PROCEDURES FOR MORTGAGE LOAN INSPECTIONS. IN THE ABSENCE OF MONUMENTATION APPARENT LOT LINES AS EVIDENCED BY FENCE OR HEDGE LINES, WHICH PROVIDE SUFFICIENT ACCURACY FOR THIS CERTIFICATION, HAVE BEEN HELD.



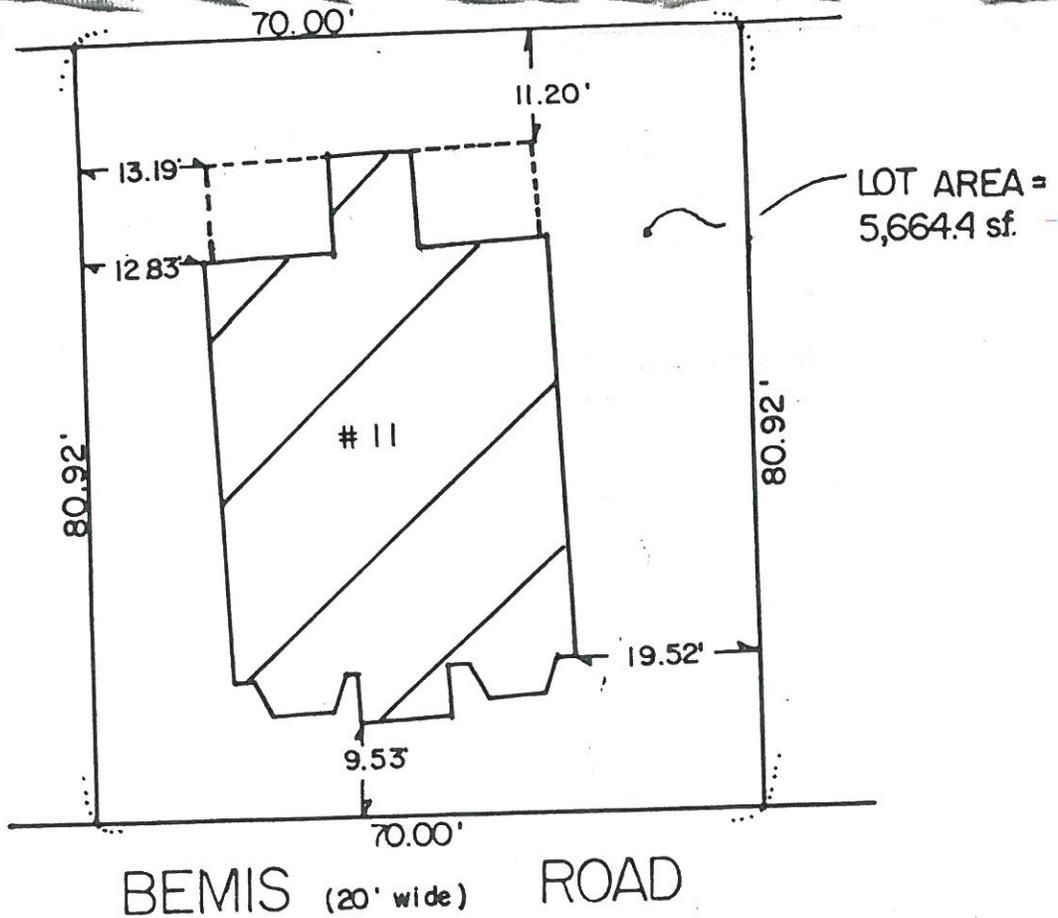
W.M. ROBERTSON ENGINEERING
 3 FLANAGAN DRIVE
 FRAMINGHAM, MASSACHUSETTS

SCALE: 1" = 20'
 DATE: 12-4-86

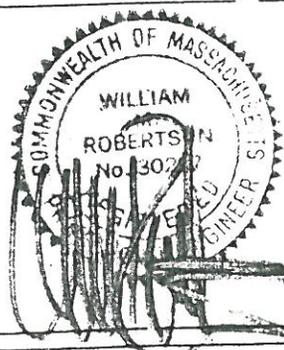
PLOT PLAN OF LAND
IN
WELLESLEY, MASS.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.
MAR 11 10 46 AM '88

EXCLUSIVELY FOR:
DEBBI BARTLETT



I HEREBY CERTIFY THAT THE
BUILDING ON THE ABOVE PLAN
ARE LOCATED AS SHOWN.



NOTE: This plan was made from an
instrument survey and is not to
be recorded.

W.M ROBERTSON ENGINEERING
PROFESSIONAL ENGINEER
FRAMINGHAM, MASSACHUSETTS
DATE: MARCH 2, 1988