

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2015-58  
Petition of Selvaraj Nataraja  
31 Charles Street

2015 JUL 23 P 3:45 PM  
WELLESLEY, MA 02482  
TOWN HALL, 525 WASH. ST.  
WELLESLEY, MA 02482

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 9, 2015, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of SELVARAJ NATARAJA requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing deck and steps, construction of a two-car garage with living space above, and construction of a two-story addition with basement and attic, that will meet all setback requirements, on an existing nonconforming structure with less than required front yard and right side yard setbacks, at 31 CHARLES 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 June 22, 2015, 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 Selvaraj Nataraja, the Petitioner. He said that his home is four houses from the street. He said that the proposal is for a two-car garage with living space above and a two-story addition at the back. He said that they are seeking relief for existing nonconforming setbacks. He said that the proposed construction will conform.

The Board said that the two nonconformities are the front yard and side yard setbacks.

The Board asked about the shed at the left property line. Mr. Nataraja said that the shed will be moved to be within the property line. He said that the land was surveyed after they bought the property.

A Board member said that he is familiar with the area. He said that it is the farthest property along the road and the addition will be on the far side of the home. He asked if the Petitioner had shared his plans with the neighbors. Mr. Nataraja said that he sent the plans to the neighbors, including the neighbor across the street, and there were no objections.

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 31 Charles Street, in a 10,000 square foot Single Residence District, with a minimum front yard setback of 27.5 feet and a minimum right side yard setback of 15.6 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing deck and steps, construction of a two-car garage with living space above, and construction of a two-story addition with basement and attic, that will meet all setback requirements, on an existing nonconforming structure with less than required front yard and right side yard setbacks, 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 5/29/15, stamped by Christopher C. Charlton, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 5/8/15, prepared by Reboss Design, and photographs were submitted.

On July 7, 2015, 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 deck and steps, construction of a two-car garage with living space above, and construction of a two-story addition with basement and attic, that will meet all setback requirements, on an existing nonconforming structure with less than required front 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 deck and steps, construction of a two-car garage with living space above, and construction of a two-story addition with basement and attic, that will meet all setback requirements, on an existing nonconforming structure with less than required front yard and right side yard setbacks, subject to the following conditions:

1. The TLAG Affidavit shall be corrected to show an increase of TLAG to 126%, not 26%.
2. The shed shall be moved or removed.

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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31 Charles Street

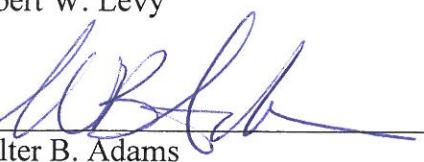
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APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN THE  
OFFICE OF THE TOWN CLERK.

  
J. Randolph Becker, Acting Chairman

  
Robert W. Levy

  
Walter B. Adams

cc: Planning Board  
Inspector of Buildings  
lrm

