

**ZONING BOARD OF APPEALS**

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ZBA 2019-72

Petition of Neeraj & Archana Aggarwal
70 Alba Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 11, 2019 at 7:30 pm in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Neeraj & Archana Aggarwal requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that reconstruction and expansion of an existing nonconforming one-story garage with less than required front yard setbacks to Alba Road, on a corner lot at 70 Alba Road, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 9, 2019, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

WITHDRAWN WITHOUT PREJUDICE

Present at the public hearing was Jacob Handleman, General Contractor, representing Neeraj & Archana Aggarwal, the Petitioner. Mr. Handleman said that the request is for a special permit for an existing nonconforming garage. He said that the initial proposed design of the two-car garage was approved with the back corner clipped. He said that after it was approved, he was told by people in the Planning and Building Departments to apply for a special permit without the clipped back, based on case law that was approved in February. He said that the appearance of the front for both the approved and proposed designs look the same except that the garage will be behind the chimney in the proposed design. Mr. Adams said that the garage will be five feet closer to the property line. Mr. Handleman said that he spoke with the neighbors across the street at 71 Alba Road and they did not express any concerns. He said that the line of trees between 57 Wall Street and 70 Alba Road is significant and will diminish any impact for that neighbor.

Mr. Handleman said that the homeowner is concerned with difficulty to wedge a second car into the garage with the clipped corner. He said that the proposed design will not change the front of the garage but will widen it.

Mr. Levy read the Planning Board recommendation. Mr. Handleman said that Mr. Panak in the Planning Department told him that they should apply for a special permit because the garage would be a much better design. Mr. Adams said that the Planning Board has not taken that position. He said that they prefer the previously approved design.

Mr. Levy said that the garage was designed to maintain the front setback and not create any new nonconformities. He said that the object of Zoning is to try to get properties to comply.

Mr. Adams said that he agrees with the Planning Board's opinion. He said that although it will maintain the façade face, because of the curved street, it will bring it closer to the street line. He said that the previously approved design was a more appropriate way to minimize the bulk of the building.

Mr. Redgate asked about the dimensions of the second bay on the approved plan. Mr. Handleman said that it is approximately 17 feet from the front to the back.

Mr. Levy asked if there was anyone present at the public hearing who wished to speak to the petition.

Mr. Adams said that the Board received quite a few letters from neighbors who object to the proposed plan.

Mr. Adams said that the proposed plan expands the bulk of the building.

Mr. Levy said that the goal of the Zoning Board is to have structures that conform.

Mr. Handleman said that his clients are planning to retire in this home. He said they are looking at what will work best as far as utility of their home. He said that having a wider garage is a better design for them.

Mr. Adams said that he agrees with the Planning Board's opinion that by maintaining the façade at the front and bringing the west corner of the garage five feet closer to the street does increase the perceived bulk of the building. He said that the approved design was better. Mr. Redgate agreed. He said that maintaining the front yard setback for both sides of the corner lot makes more sense.

Mr. Levy discussed allowing the petition to be withdrawn without prejudice. Mr. Handleman requested that the petition be allowed to be withdrawn without prejudice.

Mr. Adams moved, Mr. Redgate seconded the motion, and the Board voted unanimously to allow the petition to be withdrawn without prejudice.