

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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ZBA 2021-11

Petition of Krassen Draganov  
148 Walnut Street

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, February 4, 2021 at 7:30 pm, on the petition of Krassen Draganov requesting a Variance pursuant to the provisions of Section 19 and Section 24 of the Zoning Bylaw for demolition of an existing structure that meets left side yard setback requirements and construction of a two story structure with a basement level with less than required left side yard setbacks, and a Special Permit/Finding pursuant to the provisions of Section 14E, Section 17 and Section 25 of the Zoning Bylaw that construction of a two story structure with a basement level with less than required right side yard setbacks, to replace an existing nonconforming structure with less than required right side yard setbacks, at 148 Walnut Street, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 31, 2020, 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### WITHDRAWN WITHOUT PREJUDICE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 were David Himmelberger, Esq., representing Krassen and Irina Draganov, the Petitioner. Mr. Himmelberger said that the Petitioner came before the Board last year with a project that is on a slope that drops 41 feet from the front to the back. He said that the existing home is pre-existing nonconforming due to an insufficient right side yard setback of 12.4 feet. He said that the Petitioner is seeking a special permit to build a new home that will improve the right side yard setback to 13.1 feet. He said that they are requesting a variance to create a new left side yard setback of 16.3 feet. He said that the Petitioner previously only asked for a special permit but the Board thought that a variance would be more appropriate for the left side yard setback. He said that, at the time, the Petitioner had not finalized the agreements with the right side abutter with regard to certain retaining walls. He said that they have reached an agreement to install retaining walls that will continue onto that neighbor's property. He said that if the Board grants the requested Zoning relief, an easement will be granted from the abutters to his clients with respect to the retaining walls. He said that the easement is conditioned on the Applicant providing a formal written plan from a Civil Engineer, attesting to safe installation of the retaining walls and that they adequately address any drainage issues. He said that the Petitioners specifically request that the Board include that as a condition.

Mr. Himmelberger said that a variance is appropriate, given the topography and the unusual shape of the lot. He said that the footprint of the proposed structure will 2,284 square feet. He said that TLAG of 5,173 square feet is significant but is due in part to the drop of three stories to the back. He said that it presents at the front at 27 feet and is below grade to Walnut Street. He said that proposed design takes

advantage of the slope by stepping back and down but in so doing, it creates some height and additional TLAG in the basement area.

Mr. Himmelberger discussed the height from average finished grade, the height from the original grade, and the need for a variance. He said that the request for a variance was not advertised.

Mr. Himmelberger said that the abutter on the left side sent a letter of support and the abutters on the right side are supportive by virtue of the fact that they have agreed on the grading plan that will allow the house to be built while providing them with some benefit as well.

Mr. Himmelberger said that the property is located in a Water Supply Protection District and the Petitioner requested that the Board impose a condition that recharge is satisfactorily addressed in accordance with the bylaw.

A Board member asked about the existing height. Mr. Draganov said that the existing two story structure is 22.6 feet high. The Board member said that the proposed height is more than double.

A Board member said that the Board will need to see a drainage report. He said that the Board would not be able to make a decision at this hearing. He suggested that the petition be withdrawn without prejudice so that the Petitioner has time to put together a full application. He confirmed that Mr. Himmelberger had seen the Planning Board comments.

Mr. Himmelberger said that the Petitioner has reached an agreement with the abutters that is subject to the Board's granting Zoning relief. He said that they will not grant the easement unless it is needed. He said that they have the agreement and a Memorandum of Understanding that is signed by the parties.

No member of the public wished to speak to the petition.

The Board voted unanimously to allow the petition to be withdrawn without prejudice.