

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482

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TELEPHONE
(781) 431-1019 EXT. 2208

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2021 JUL 15 P 12:11
WELLESLEY ZONING BOARD OF APPEALS

ZBA 2021-54

Petition of Khalil & Sameena Pirani
12 Rice Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 1, 2021 at 7:30 pm, on the petition of Khalil & Sameena Pirani requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that construction of a two story addition with less than required left and right side yard setbacks, and construction of a deck that will meet setback requirements, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, and requesting a Variance pursuant to the provisions of Section 19 and Section 24 of the Zoning Bylaw for installation of an air conditioning condenser with less than required left side yard setbacks, at 12 Rice Street, in a General Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 12, 2021, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Present at the public hearing were Khalil and Sameena Pirani, the Petitioner. Mr. Pirani said that a request to extend in the back was approved in 2015 but was not done. He said that the new design improves the roof lines to make it more interesting on the sides. He said that it is a narrow nonconforming lot.

A Board member asked if any effort was made to come up with a design that would not be worse than the existing nonconformity. Mr. Pirani said that they tried to keep a straight line back. He said that they made the deck a little smaller than last time.

Mr. Pirani said that he mentioned the plans to renew the special permit to the neighbors but they did not express an interest to see the plans.

The Chairman said that there are three nonconformities on the left side for the existing house and two for the proposed addition. He said that there is an existing nonconformity on the right side for the existing house and the proposed addition and one that is only for the proposed addition. He said that the nonconformities are on the right side will be intensified and on the left side they will not be intensified.

Mr. Pirani said that if the neighbors on the left have concerns about the ac condensers, he can put an acoustic barrier around them.

The Board discussed the relief that was granted in 2015 and dimensional requirements in the Zoning Bylaw. A Board member said that the need for a variance for the ac condenser could be avoided by putting in a narrow condenser. Mr. Pirani said that he can accommodate that.

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

Statement of Facts

The subject property is located at 12 Rice Street, in a General Residence District, with a minimum front yard setback of 16.1 feet where 30 feet is required, a minimum left side yard setback of 15.2 feet and a minimum right side yard setback of 16.2 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 17 and Section 25 of the Zoning Bylaw that construction of a two story addition with less than required left and right side yard setbacks, and construction of a deck that will meet setback requirements, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, and requesting a Variance pursuant to the provisions of Section 19 and Section 24 of the Zoning Bylaw for installation of an air conditioning condenser with less than required left side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 4/8/21, revised 5/10/21, stamped by Stephen E. Davis, Professional Land Surveyor, Floor Plans and Elevation Drawings, dated 4/10/21, prepared by Khalil Pirani, Architect, and photographs were submitted.

On June 30, 2021, the Planning Board reviewed the petition and recommended that the special permit be approved.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that construction of a two story addition with less than required left and right side yard setbacks, and construction of a deck that will meet setback requirements, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, will result in the intensification of existing nonconformities, will not result in additional nonconformities, and will 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 with less than required left and right side yard setbacks, and construction of a deck that will meet setback requirements, on an existing nonconforming structure with less than required front yard, left side yard and right side yard setbacks, in accordance with the submitted plot plan and construction drawings.

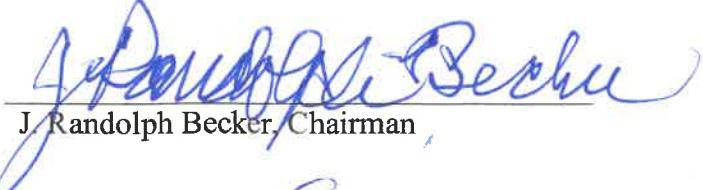
No relief is granted for the ac condenser.

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.

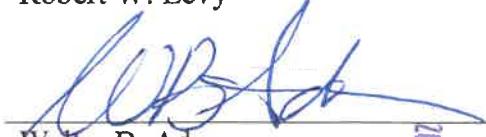
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

ZBA 2021-54
Petition of Khalil & Sameena Pirani
12 Rice Street

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, Chairman


Robert W. Levy


Walter B. Adams

2021 JUL 15 PM 12:55
WELLESLEY MA U2454

ZBA 2021-54
Applicant Khalil & Sameena Pirani
Address 12 Rice Street

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest:

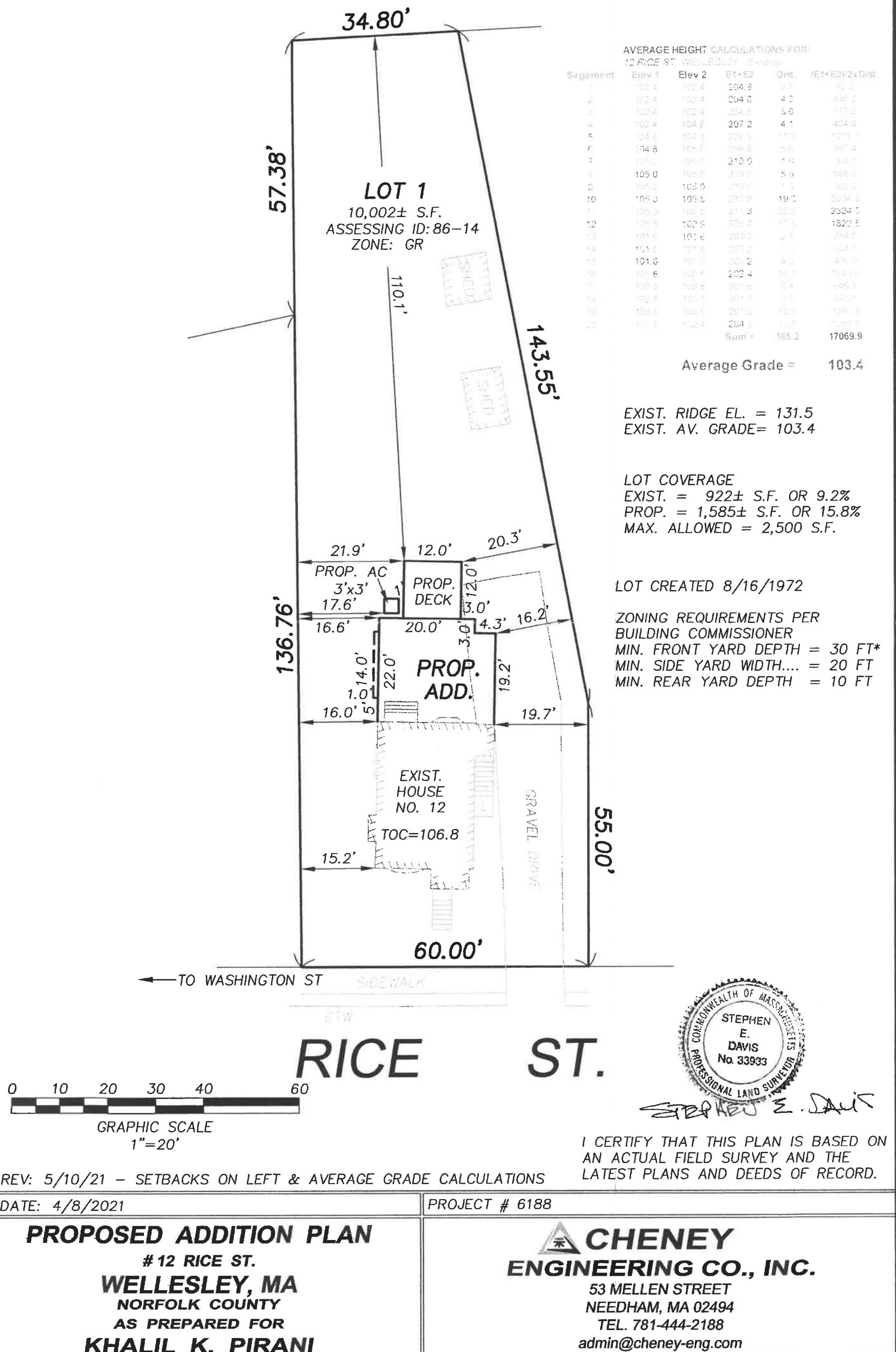

Cathryn Jane Kato
Town Clerk

cc: Planning Board
Inspector of Buildings
lrm

NOTES:

1. SUBJECT TO ANY STATEMENT OF FACT AN UP-TO -DATE ABSTRACT OF TITLE WOULD DISCLOSE.
2. SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD.

PL.NO. 787 OF 1972



TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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WALTER B. ADAMS
DEREK B. REDGATE
RICHARD L. SEEDEL

April 6, 2023

7:30 pm

Schuler Room, Tolles Parsons Center

Zoning Board of Appeals Members Present:

J. Randolph Becker
David G. Sheffield
Richard L. Seegel

BUSINESS MEETING

ZBA 2021-54, KHALIL & SAMEENA PIRANI, 12 RICE STREET

Mr. Becker said that the Applicant is requesting an extension for a special permit. He said that the Applicant had discussions with Mr. Grant, Building Inspector, about minor changes. He said that the Applicant wanted to extend the special permit in case he cannot line up a contractor by July 15, 2023.

Mr. Sheffield asked if the Applicant requested a specific date for the special permit to be extended to. Mr. Becker said that he did not request a specific date. Mr. Seegel proposed that the special permit be extended for one year from the date of expiration.

Mr. Sheffield moved, Mr. Seegel seconded the motion, and the Board voted unanimously to extend ZBA 2021-54 for one year, to expire on July 15, 2024.