

TOWN OF WELLESLEY



MASSACHUSETTS

ZONING BOARD OF APPEALS
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11/18/2021

ZBA 2021-85

Petition of Mohammad Jamali & Katayoun Izadi
163 Walnut Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, November 4, 2021 at 7:30 pm, in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of Mohammad Jamali & Katayoun Izadi 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 front yard setbacks and construction of a covered porch that will meet setback requirements, on an existing nonconforming structure with less than required front yard and right side yard setbacks, on a 7,208 square foot lot in a Single Residence District in which the minimum lot size is 10,000 square feet, at 163 Walnut Street, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 4, 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.

WITHDRAWN WITHOUT PREJUDICE

Present at the public hearing were Mohammad Jamali and Katayoun Izadi, the Petitioner, and Alex Janes.

Mr. Jamali said that his family has been living at 163 Walnut Street since 2001. He said that not having a bathroom on the second floor and low ceilings are the two issues that started this project. He said that the He said that when they moved to the house their children were young. He said that his son is now 6 feet 5 inches tall and hits his head whenever he goes in the basement. He said that the laundry is located in the basement. He said that the Architect said that the project could not be done with just one piece.

Mr. Jamali said that the proposal is to build to the left side of the existing building to add living space with higher ceilings. He said that access to the new addition will be from the side and from the existing house, where they will do some interior remodeling. He said that they will remove one of the bedrooms on the second floor and convert it into a laundry room and bathroom. He said that they will add two new rooms with their own bathrooms. He said that the basement will be a utility room and a recreation room with a sliding door to the back. He said that there will be a conforming porch, as shown on the revised plans.

The Chairman identified three nonconformities with the front and right side yard setbacks, and the lot size.

The Board discussed concerns about discrepancies between the survey and the building plan, losing space on the horseshoe driveway, cars backing out onto the street, compatibility with the design of the existing house, slope of the lot and scale of the house, bulky solution as a large square of a different scale from the rest of the neighborhood, and TLAG calculation of slightly over 4,400 square feet being significantly above the 3,600 square foot threshold for the district.

Ms. Izadi said that the proposal is to add on the side and the back. She said that the existing house is very small. She said that their children grew up here and the family looks at Wellesley as their home.

Mr. Jamali said that they have access for cars on the right and the left side. He said that there will be room for two cars to park in front of the addition. He said that there is enough space on the right side for cars to go to the back. He said that they need interior space. Ms. Izadi said that they do not have to back out of the driveway because they have space to maneuver on the grass area. Mr. Jamali said that there is a possibility to have a driveway near the fence. He said that they will not create space to go around the building because the back of the house is so low.

A Board member asked if the Architect had given the Petitioner alternative solutions for the design problem. Mr. Jamali said that the proposed design was discussed several times. Ms. Izadi said that the Architect told them that they have enough space for the design. Mr. Jamali said that they tried to stay under the TLAG threshold for the district.

Mr. Jamali said that the proposed design preserved the view from the kitchen window. He said that the proposed porch would provide access from the kitchen while maintaining the view. He said that currently cooking outside is complicated.

The Chairman read the Planning Board recommendation.

A Board member suggested that the Petitioner ask the Architect to take another look to see if there is a design that accomplishes what the Petitioners want and addresses the Planning and Zoning Boards' comments.

A Board member said that increasing the ceiling height and raising the roof changes the scale of the building. He said that it creates a much larger building than the rest of the neighborhood. The Chairman said that the ridgeline of the addition is significantly higher than the existing house. A Board member said that other solutions may change the location of the kitchen at the cost of losing the view that the Petitioners enjoy. He said that the porch contributes to the bulk of the house even though it is an outdoor space. The Chairman said that the living space compared to other houses on Walnut Street is currently slightly above average but the modified house will be close to the largest on the street. Mr. Jamali said that a huge house is being built at the corner of Prospect Street. He said that it is a matter of hardship for the family as well. The Chairman said that the issue is square feet. A Board member said that part of the problem is the proposed design. He said that the two pieces do not fit together on the outside and do not look like other houses on the street.

The Board discussed allowing the petition to be withdrawn without prejudice. The Chairman said that the current design amounts to three boxes put together where the rooflines do things to match up the three

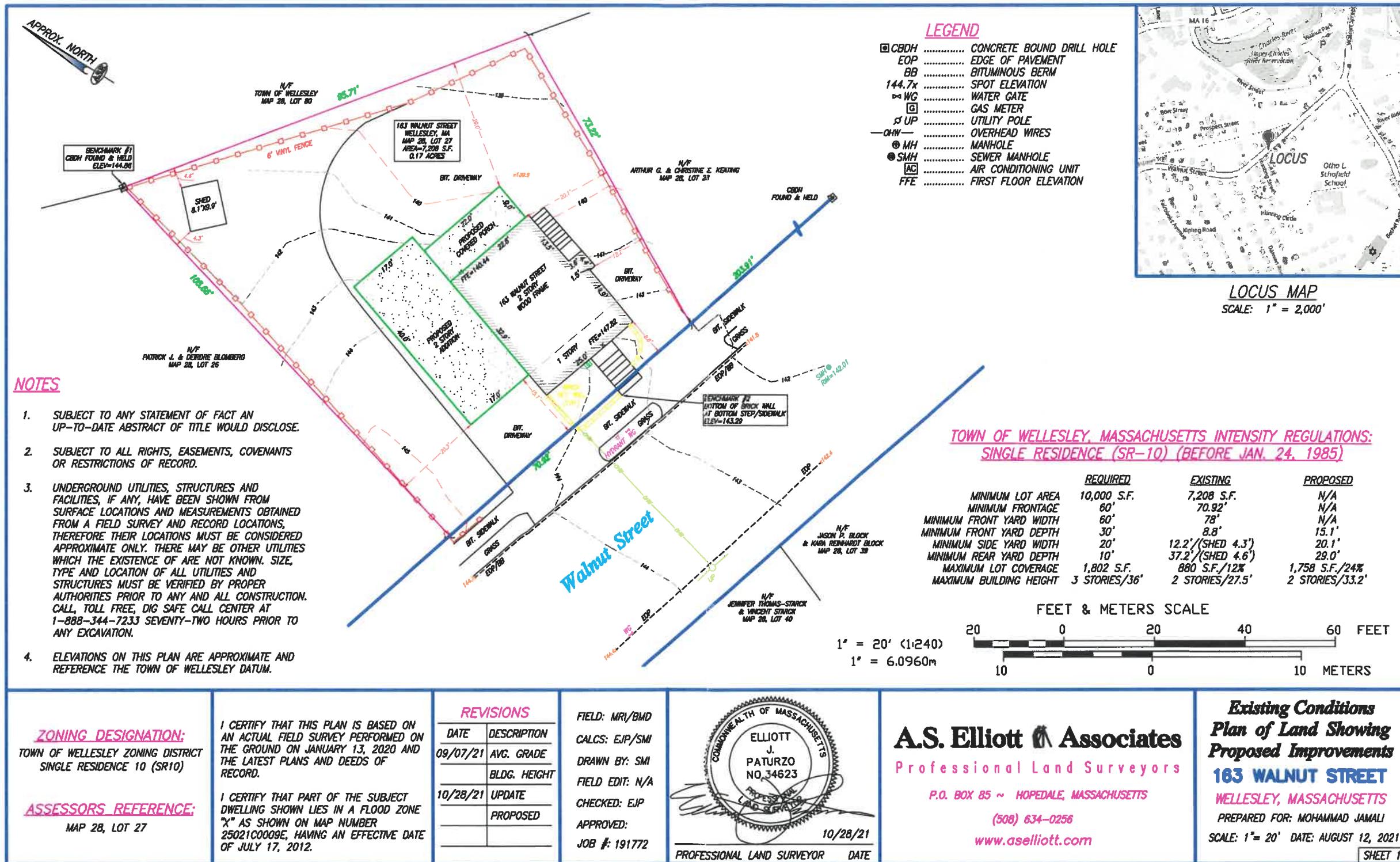
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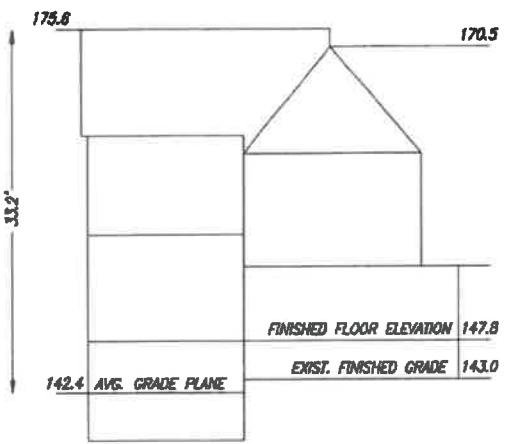
pieces. He said that the Board has to make a finding that the proposed house will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. He said that the Board cannot do that with what was presented to them. A Board member said that the definition of detrimental can mean a number of things in terms of mass, scale, height and bulk if it is really very different from what is perceived in the neighborhood. The Chairman said that the Board does not have the power to design the house but can explain the Zoning Bylaw and how the proposed project does not fit with the Zoning Bylaw. Ms. Izadi said that having one bathroom in the house with five health care workers during Covid was a disaster. She asked if the Board could guide them towards a solution. The Chairman said that the solution will come from the architect, not from the Board. Mr. Jamali said that the architect knows the property and knows the family's constraints and problems. He said that the architect has built many houses in Wellesley in this area.

Mr. Jamali requested that the Board allow the petition to be withdrawn without prejudice.

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

2021 MAY 18 12:49



<p>NOTES</p> <ol style="list-style-type: none"> 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. 3. UNDERGROUND UTILITIES, STRUCTURES AND FACILITIES, IF ANY, HAVE BEEN SHOWN FROM SURFACE LOCATIONS AND MEASUREMENTS OBTAINED FROM A FIELD SURVEY AND RECORD LOCATIONS, THEREFORE THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. THERE MAY BE OTHER UTILITIES WHICH THE EXISTENCE OF ARE NOT KNOWN, SIZE, TYPE AND LOCATION OF ALL UTILITIES AND STRUCTURES MUST BE VERIFIED BY PROPER AUTHORITIES PRIOR TO ANY AND ALL CONSTRUCTION. CALL, TOLL FREE, DIG SAFE CALL CENTER AT 1-888-344-7233 SEVENTY-TWO HOURS PRIOR TO ANY EXCAVATION. 4. ELEVATIONS ON THIS PLAN ARE APPROXIMATE AND REFERENCE THE TOWN OF WELLESLEY DATUM. 		 <p>REFERENCES</p> <p>DEED REF: NORFOLK COUNTY REGISTRY OF DEEDS BOOK 21188, PAGE 26</p> <p>PLAN REF: PLAN ENTITLED "CERTIFIED PLOT PLAN", PREPARED BY RON NATOLI, P.L.S., DATED JULY 2, 2002</p> <p>TOWN OF WELLESLEY, MASSACHUSETTS INTENSITY REGULATIONS: SINGLE RESIDENCE (SR-10) (BEFORE JAN. 24, 1985)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>REQUIRED</th> <th>EXISTING</th> <th>PROPOSED</th> </tr> </thead> <tbody> <tr> <td>MINIMUM LOT AREA</td> <td>10,000 S.F.</td> <td>7,208 S.F.</td> <td>N/A</td> </tr> <tr> <td>MINIMUM FRONTAGE</td> <td>60'</td> <td>70.92'</td> <td>N/A</td> </tr> <tr> <td>MINIMUM FRONT YARD WIDTH</td> <td>60'</td> <td>70'</td> <td>N/A</td> </tr> <tr> <td>MINIMUM FRONT YARD DEPTH</td> <td>30'</td> <td>8.8'</td> <td>15.1'</td> </tr> <tr> <td>MINIMUM SIDE YARD WIDTH</td> <td>20'</td> <td>12.2' (SHED 4.3')</td> <td>20.1'</td> </tr> <tr> <td>MINIMUM SIDE YARD DEPTH</td> <td>10'</td> <td>37.2' (SHED 4.6')</td> <td>29.0'</td> </tr> <tr> <td>MAXIMUM LOT COVERAGE</td> <td>1,802 S.F.</td> <td>880 S.F./12%</td> <td>1,758 S.F./24%</td> </tr> <tr> <td>MAXIMUM BUILDING HEIGHT</td> <td>3 STORIES/36'</td> <td>2 STORIES/27.5'</td> <td>2 STORIES/33.2'</td> </tr> </tbody> </table> <p>PROPOSED BUILDING HEIGHT NOT TO SCALE</p> <p>EXISTING BUILDING HEIGHT NOT TO SCALE</p> <p>ZONING DESIGNATION: TOWN OF WELLESLEY ZONING DISTRICT SINGLE RESIDENCE 10 (SR10)</p> <p>ASSESSORS REFERENCE: MAP 28, LOT 27</p> <p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>09/17/21</td> <td>AVG. GRADE</td> </tr> <tr> <td></td> <td>BLDG. HEIGHT</td> </tr> <tr> <td>10/28/21</td> <td>UPDATE</td> </tr> <tr> <td></td> <td>PROPOSED</td> </tr> </tbody> </table> <p>FIELD: MRV/BMD CALCS: EJP/SM DRAWN BY: SM FIELD EDIT: N/A CHECKED: EJP APPROVED: JOB #: 191772</p> <p>ELLIOTT J. PATERZO NO. 14623 PROFESSIONAL LAND SURVEYOR DATE 10/28/21</p> <p>A.S. Elliott & Associates Professional Land Surveyors P.O. BOX 85 ~ HOPEDALE, MASSACHUSETTS (508) 834-0258 www.aselliott.com</p> <p>Existing Conditions Plan of Land Showing Proposed Improvements 163 WALNUT STREET WELLESLEY, MASSACHUSETTS PREPARED FOR: MOHAMMAD JAMALI SCALE: 1" = 20' DATE: AUGUST 12, 2021 SHEET 2</p>			REQUIRED	EXISTING	PROPOSED	MINIMUM LOT AREA	10,000 S.F.	7,208 S.F.	N/A	MINIMUM FRONTAGE	60'	70.92'	N/A	MINIMUM FRONT YARD WIDTH	60'	70'	N/A	MINIMUM FRONT YARD DEPTH	30'	8.8'	15.1'	MINIMUM SIDE YARD WIDTH	20'	12.2' (SHED 4.3')	20.1'	MINIMUM SIDE YARD DEPTH	10'	37.2' (SHED 4.6')	29.0'	MAXIMUM LOT COVERAGE	1,802 S.F.	880 S.F./12%	1,758 S.F./24%	MAXIMUM BUILDING HEIGHT	3 STORIES/36'	2 STORIES/27.5'	2 STORIES/33.2'	DATE	DESCRIPTION	09/17/21	AVG. GRADE		BLDG. HEIGHT	10/28/21	UPDATE		PROPOSED
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