

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

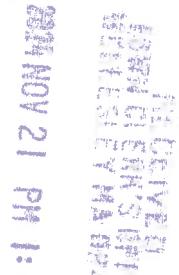
888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

J. RANDOLPH BECKER, CHAIRMAN  
ROBERT W. LEVY, VICE CHAIRMAN  
DAVID G. SHEFFIELD

LENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 489-7450

WALTER B. ADAMS  
DEREK B. REDGATE  
PETER COVO

ZBA 2024-75  
Petition of Andrew Kuan & Tanya Auger  
57 Avon Road



Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, November 7, 2024, at 7:30 pm, on the petition of Andrew Kuan & Tanya Auger requesting a Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing nonconforming one-story garage and mudroom with less than required right side yard setbacks, and construction of a two-story addition and deck over an expanded basement with less than required right side yard setbacks, at 57 Avon Road, in a 10,000 square foot Single Residence District and a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On October 7, 2024, 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 was Richard Curl, Architect. He said that his clients would like to take down the existing attached garage and add an in-law unit on the ground floor with a primary suite above. He said that the garage is currently nonconforming with a side yard setback of 9.4 feet where 20 feet is required. He said that the setback for the new structure will increase to 9.8 feet. He said that they tried to maintain the character of the existing house by using similar design elements and materials.

Mr. Curl said that the neighbor immediately to the east, who is the most affected neighbor, and the neighbor on the other side have written letters of support.

Mr. Curl said that the TLAG will increase from approximately 1,700 square feet to 2,347 square feet, or 38 percent, but will still be well below the limit.

Mr. Curl said that although it does not show on the site plan, rainwater will be collected in a new drywell at the back. He said that the drywell is shown on the first floor plan.

A Board member asked if the plan is for an accessory dwelling unit (ADU) on the first floor. Mr. Curl said that it is meant to be an in-law unit for his client's mother.

The Chairman said that the request before the Board is for modification of an existing nonconforming structure. He said that the Applicant would have to specifically apply for an ADU, which hasn't been done here, even though there is a statement about it on the plans. Mr. Curl said that the request was for relief for the setback.

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

#### Statement of Facts

The subject property is located at 57 Avon Road, in a 10,000 square foot Single Residence District, in a Water Supply Protection District, with a minimum front yard setback of 29.1 feet where 30 feet is required, a minimum left side yard setback of 9.2 feet and a minimum right side yard setback of 9.4 feet where 20 feet is required.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing nonconforming one-story garage and mudroom with less than required right side yard setbacks, and construction of a two-story addition and deck over an expanded basement with less than required right side yard setbacks, in a Water Supply Protection District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan, dated 9/20/24, stamped by Christopher C. Charlton, Professional Land Surveyor #48649, Floor Plans, Elevation Drawings and TLAG Diagrams, dated 9/26/24, prepared by Curl Architecture, and photographs were submitted.

On October 29, 2024, the Planning Board reviewed the petition and recommended that a Special Permit be approved.

#### Decision

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

The Board found that the Design and Operation Standards in Part F are adequately satisfied and not otherwise prohibited in Part D.1, of Section 3.8 of the Zoning Bylaw for Water Supply Protection Districts.

It is the opinion of this Authority that demolition of an existing nonconforming one-story garage and mudroom with less than required right side yard setbacks, and construction of a two-story addition and deck over an expanded basement with less than required 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 demolition of an existing nonconforming one-story garage and mudroom with less than required right side yard setbacks, and construction of a two-story addition and deck over an expanded basement with less than required right side yard setbacks, in accordance with the submitted plans.

The Building Inspector 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.

2024-75  
Petition of Andrew Kuan & Tanya Auger  
57 Avon Road  
Approved by the ZBA  
Date: 11/30/2024  
Time: 11:30 AM

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.

*Robert W. Levy (lm)*  
Robert W. Levy, Acting Chairman

*David G. Sheffield (lm)*  
David G. Sheffield

*Derek B. Redgate (lm)*  
Derek B. Redgate

ZBA 2024-75  
Applicant Andrew Kuan & Tanya Auger  
Address 57 Avon Road

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

2024-02-11 PM 1:30  
Wellesley, MA  
Planning Board  
Clerk's Office

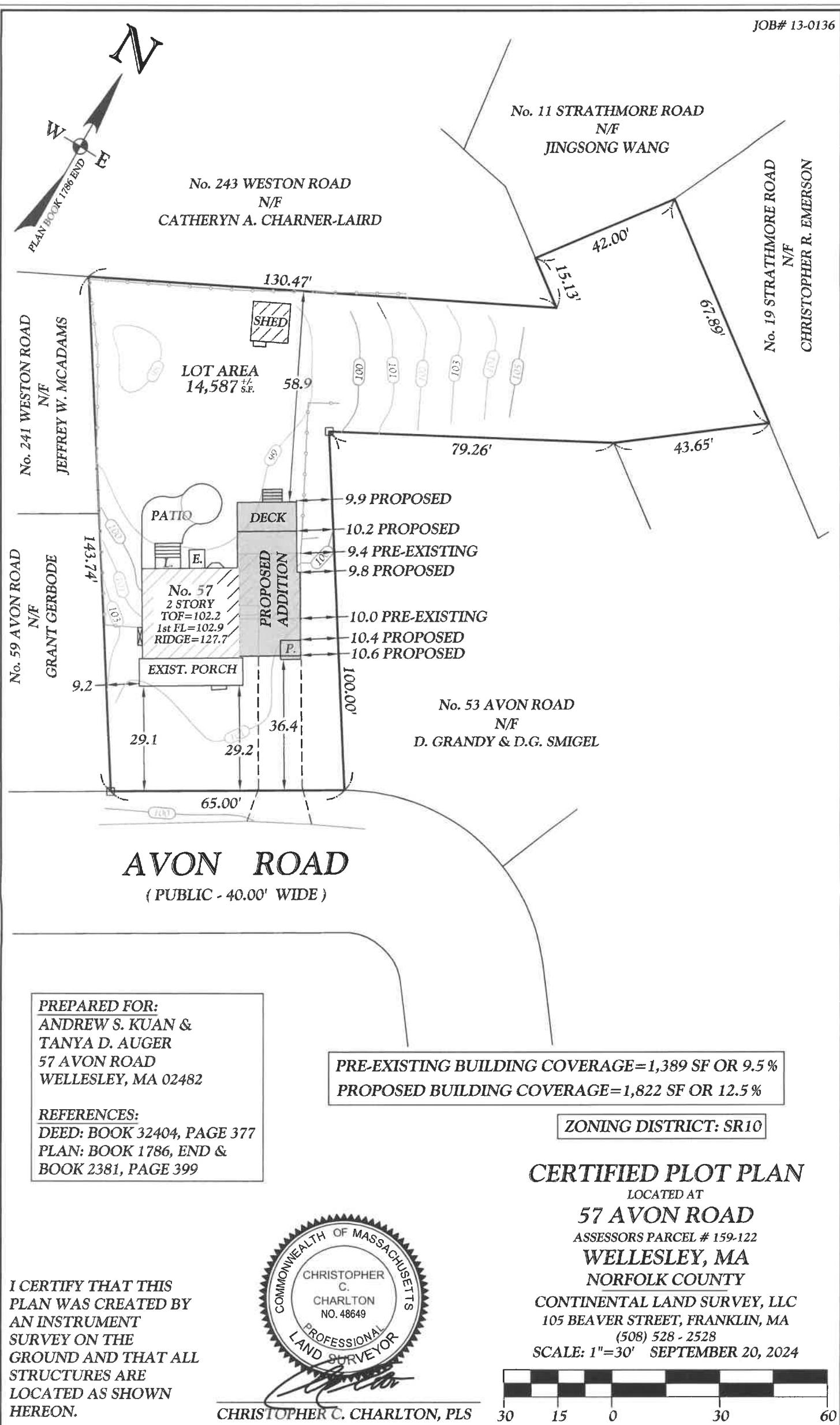
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm



TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS 888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

J. RANDOLPH BECKER, CHAIRMAN  
ROBERT W. LEVY, VICE CHAIRMAN  
DAVID G. SHEFFIELD

LENORE R. MAHONEY  
EXECUTIVE SECRETARY  
TELEPHONE  
(781) 489-7450

WALTER B. ADAMS  
DEREK B. REDGATE  
PETER COVO

**ZBA 2024-75**  
Petition of Andrew Kuan & Tanya Auger  
57 Avon Road

RECEIVED  
NOV 21 PM  
2024  
WELLESLEY  
TOWN CLERK

Pursuant to due notice, the Special Permit Granting Authority held a Remote Public Hearing on Thursday, November 7, 2024, at 7:30 pm, on the petition of Andrew Kuan & Tanya Auger requesting a Special Permit/Finding pursuant to the provisions of Section 3.8, Section 5.1 and Section 6.3 of the Zoning Bylaw that demolition of an existing nonconforming one-story garage and mudroom with less than required right side yard setbacks, and construction of a two-story addition and deck over an expanded basement with less than required right side yard setbacks, at 57 Avon Road, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the existing structure.

R E C E I P T  
Printed: December 26, 2024 @ 13:57:00  
Norfolk Registry of Deeds  
William P O'Donnell  
Register

Trans#: 87834 Oper:YSANCHEZ

-----  
Book: 42182 Page: 369 Inst#: 86276  
Ctl#: 302 Rec:12-26-2024 @ 1:57:02p  
WELL 57 AVON ROAD

DOC	DESCRIPTION	TRANS AMT
DECISION		
10.00	rec fee	10.00
50.00	Surcharge	50.00
5.00	Tech. Surcharge	5.00
Postage/Handling Fee		1.00
State Fee \$40.00		40.00
Total fees:		106.00
*** Total charges:		106.00
CHECK PM 2926		106.00

I request for a hearing before this Authority, and thereafter, due to the east, who is the most affected neighbor, and the

I Curl, Architect. He said that his clients would like to take down a-law unit on the ground floor with a primary suite above. He rming with a side yard setback of 9.4 feet where 20 feet is new structure will increase to 9.8 feet. He said that they tried to use by using similar design elements and materials.

ely to the east, who is the most affected neighbor, and the

from approximately 1,700 square feet to 2,347 square feet, or

ow on the site plan, rainwater will be collected in a new drywell own on the first floor plan.

32404 377