

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

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ZBA 2024-75

Petition of Andrew Kuan & Tanya Auger  
57 Avon Road

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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.

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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 constructions 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.

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BUILDING DEPARTMENT  
TOWN OF AVON

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

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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

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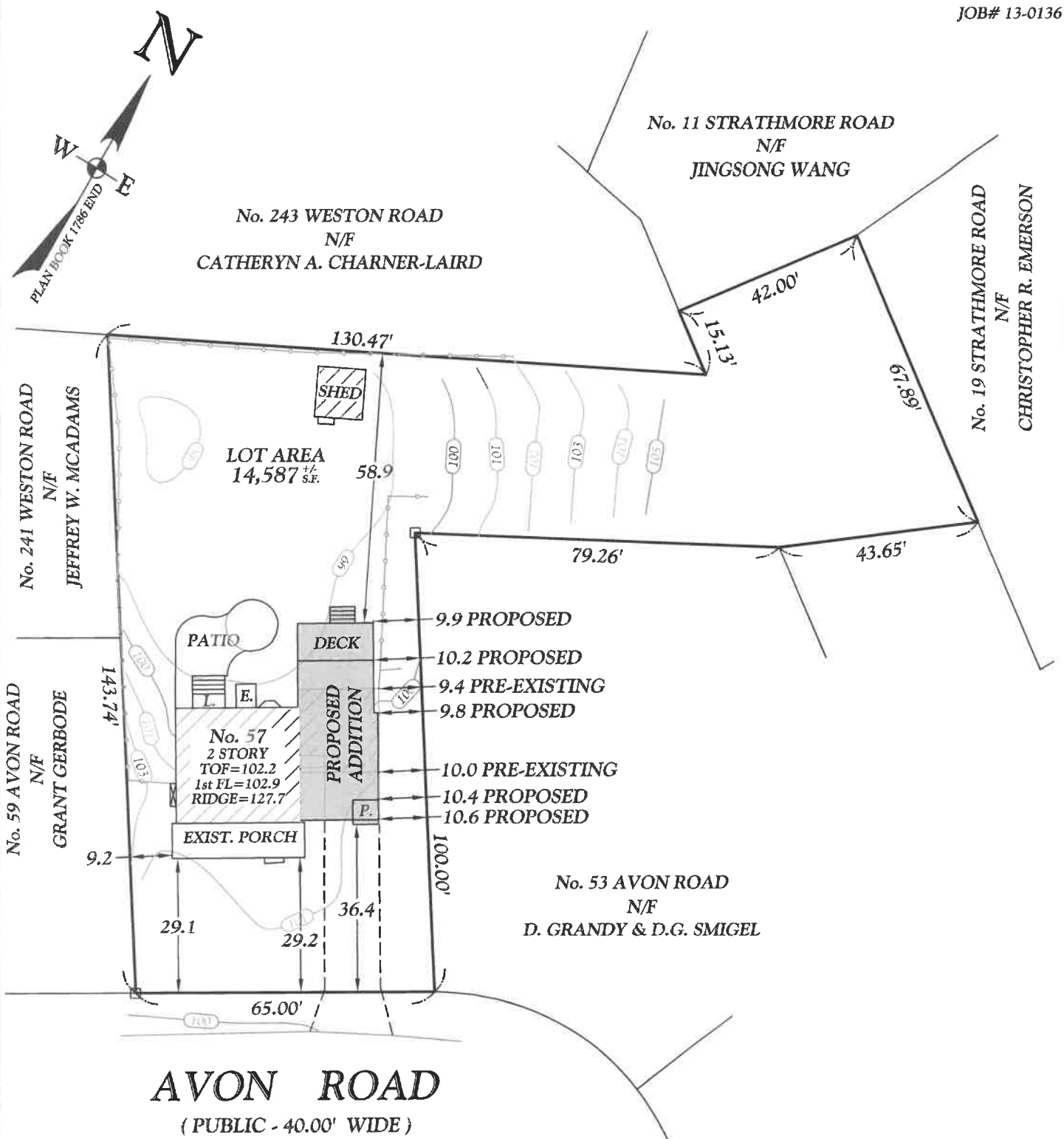
In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Wellesley, and that no appeal has been filed, or that if such appeal has been filed,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

Date:

Attest:

\_\_\_\_\_  
Cathryn Jane Kato  
Town Clerk

cc: Planning Board  
Inspector of Buildings  
lrm



PREPARED FOR:  
ANDREW S. KUAN &  
TANYA D. AUGER  
57 AVON ROAD  
WELLESLEY, MA 02482

REFERENCES:  
DEED: BOOK 32404, PAGE 377  
PLAN: BOOK 1786, END &  
BOOK 2381, PAGE 399

PRE-EXISTING BUILDING COVERAGE=1,389 SF OR 9.5 %  
PROPOSED BUILDING COVERAGE=1,822 SF OR 12.5 %

ZONING DISTRICT: SR10

CERTIFIED PLOT PLAN

LOCATED AT

57 AVON ROAD

ASSESSORS PARCEL # 159-122

WELLESLEY, MA

NORFOLK COUNTY

CONTINENTAL LAND SURVEY, LLC

105 BEAVER STREET, FRANKLIN, MA

(508) 528 - 2528

SCALE: 1"=30' SEPTEMBER 20, 2024

I CERTIFY THAT THIS  
PLAN WAS CREATED BY  
AN INSTRUMENT  
SURVEY ON THE  
GROUND AND THAT ALL  
STRUCTURES ARE  
LOCATED AS SHOWN  
HEREON.



CHRISTOPHER C. CHARLTON, PLS



Bk 42182 Pg369 #86276  
12-26-2024 @ 01:57p

888 WORCESTER STREET • SUITE 160 • WELLESLEY, MA 02482

WALTER B. ADAMS  
DEREK B. REDGATE  
PETER COVO

2024 NOV 21 PM 1:10  
Thursday

6094

32404 377