

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2011-61
Petition of LeRoy Fraser
4 Stearns Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, September 8, 2011, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of LEROY FRASER requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 7 foot 8 ¼ inch by 7 foot 9 ¾ inch one-story sunroom with less than required right side yard setbacks, in a 10,000 square foot Single Residence District, at 4 STEARNS ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Record Owner of Property: Svea Fraser

On August 23, 2011 the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Scott Fraser. He said that they were seeking relief for the side yard setback to put a small greenhouse/sunroom in an existing corner of the house. He said that the addition will be approximately 60 square feet.

Mr. Fraser said that the original house was built in 1921 by Mr. Shirer, who was the architect for the Wellesley Hills Library. He said that the house has similar architectural features. He said that he has made a couple of changes to the house over the years but he has always tried to be consistent with the original intent.

Mr. Fraser said that the proposed addition is small. He said that it will be finished to be consistent with the existing house. He said that it will not be substantially more detrimental to the neighborhood.

A Board member said that he could hardly find the corner of the house because of the trees. Mr. Fraser said that two of his abutters cannot see it. He said that there are slopes, fences and trees.

Mr. Fraser said that the greenhouse will face south. He said that the surveyor flipped the compass rose in the wrong direction. He said that Stearns Road is to the north of the property.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 4 Stearns Road, in a 10,000 square foot Single Residence District, with a minimum front yard setback of 29.7 feet and a minimum right side yard setback of 12.5 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 7 foot 8 ¼ inch by 7 foot 9 ¾ inch one-story sunroom with less than required right side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 7/26/11, revised 8/17/11, stamped by Todd P. Chapin, Registered Land Surveyor, a Proposed Floor Plan and Elevation Drawing, dated 12/9/10, prepared by Brady-Built Sunrooms, and photographs were submitted.

On September 7, 2011, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that although construction of a 7 foot 8 ¼ inch by 7 foot 9 ¾ inch one-story sunroom with less than required right side yard setbacks is increasing a nonconformity, such increase shall 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 7 foot 8 ¼ inch by 7 foot 9 ¾ inch one-story sunroom, in accordance with the submitted plot plan and construction drawings.

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.

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.

Richard L. Seegel, Chairman

Cynthia S. Hibbard

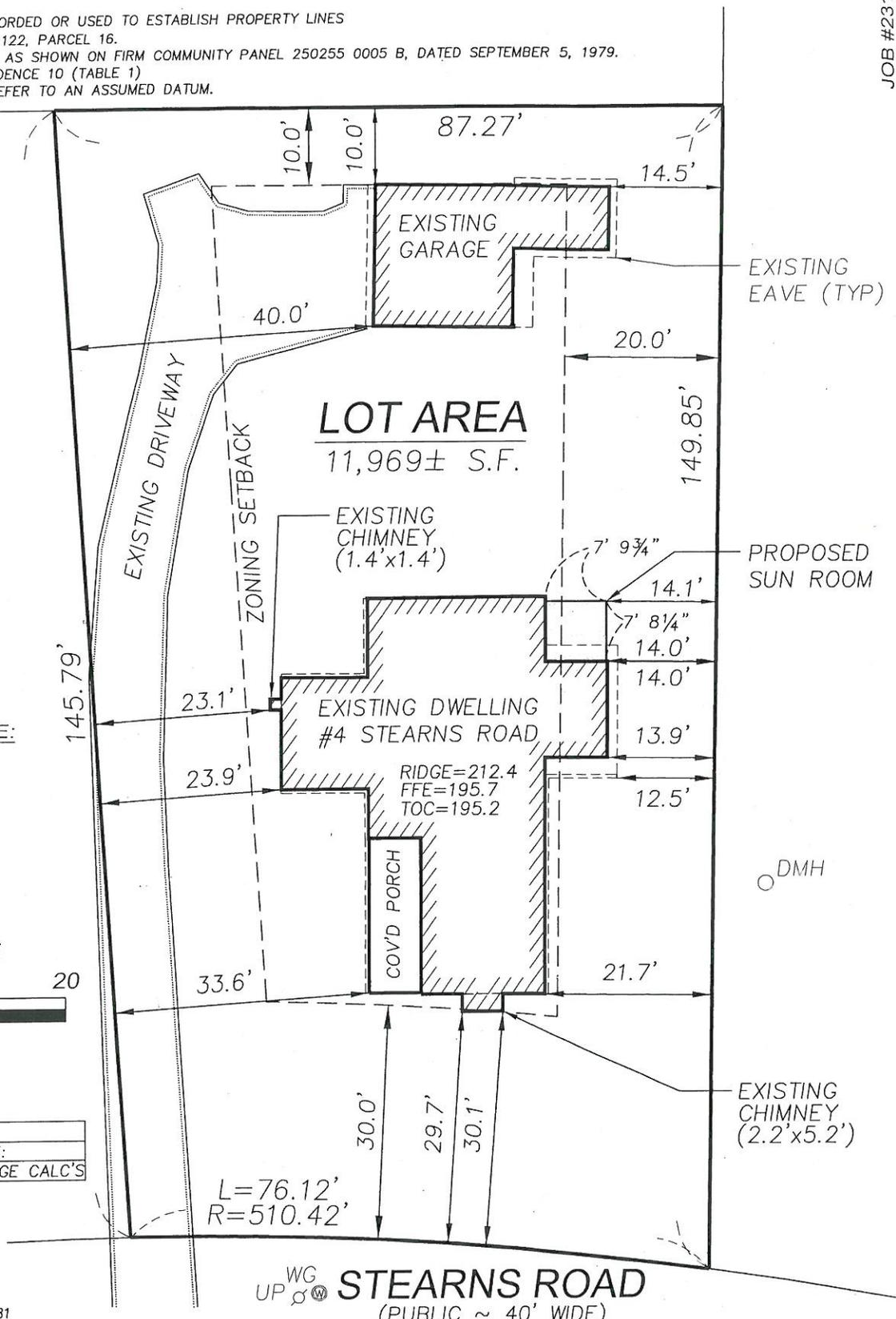
David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm

NOTES:

1. THIS PLAN SHALL NOT BE RECORDED OR USED TO ESTABLISH PROPERTY LINES
2. ASSESSOR'S REFERENCE: MAP 122, PARCEL 16.
3. THIS PARCEL LIES IN ZONE 'C' AS SHOWN ON FIRM COMMUNITY PANEL 250255 0005 B, DATED SEPTEMBER 5, 1979.
4. ZONING DISTRICT: SINGLE RESIDENCE 10 (TABLE 1)
5. ELEVATIONS SHOWN HEREON REFER TO AN ASSUMED DATUM.

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 TOWN CLERK'S OFFICE
 WELLESLEY MA 02482
 2011 AUG 23 A 9:52

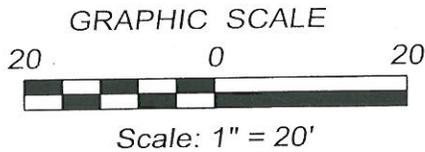


BUILDING COVERAGE:

EXISTING = 2,072± S.F.
PROPOSED = 2,116± S.F.

LOT COVERAGE:

EXISTING = 17.3%
PROPOSED = 17.7%



REVISIONS:	
DATE:	DESCRIPTION:
8/17/11	ADD'N DIM'S, COVERAGE CALC'S

APPLICANT: SCOTT FRASER
#4 STEARNS ROAD
WELLESLEY, MA 02481

$L=76.12'$
 $R=510.42'$

"SPECIAL PERMIT PLAN"

LAND IN
WELLESLEY, MASS.

SCALE: 1" = 20' DATE: 04 AUGUST 2011

PREPARED BY: THE JILLSON COMPANY, INC.
P.O. BOX 2135
FRAMINGHAM, MA 01703-2135
(508) 485-0500
www.JILLSONCOMPANY.com



"BASED ON AN INSTRUMENT SURVEY,
I CERTIFY THAT THE EXISTING BUILDINGS
ARE LOCATED AS SHOWN HEREON."

Todd P. Chapin
PROFESSIONAL LAND SURVEYOR
8/17/11
DATE