

TOWN OF WELLESLEY



MASSACHUSETTS

## ZONING BOARD OF APPEALS

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

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ZBA 2006-50

Petition of Jerard and Elizabeth Hart  
50 Wellesley Avenue

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Petition of JERARD AND ELIZABETH HART requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 9.5 foot by 15.8 foot one-story addition with less than required left side yard setback and enclosure of an existing 4.9 foot by 9.9 foot covered portico with less than required right side yard setback, on an 8,215 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 50 WELLESLEY AVENUE, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 22, 2006, the petitioners 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 Michael Hally, who said that he was representing the petitioners. He said that they would like to convert an existing portico into living space and also construct a 150 square foot one-story addition at the back of the house.

Mr. Hally said that it is a nonconforming structure on a nonconforming lot. He said that the portico is included in the lot coverage calculation. The petitioners would like to put that space to better use by converting it to a bathroom. The appearance will not change from the outside. The flat roof will remain and they will reuse the existing railing. Pilasters will replace existing columns. They will use decorative siding at the front of the house if they choose not to have the window.

Mr. Hally said that they would like to put a mudroom at the back of the house. They tried to place the addition in different locations but this one worked best. They will be able to maintain some greenspace at the back of the yard.

Mr. Hally said that the finishes on the mudroom are similar to those on the rest of the house. The addition will have a hip roof, exposed rafter tails and cedar shakes. They will add some clapboard siding to give it a more horizontal look.

Mr. Hally said that they plan to dismantle the portico and add a frostwall underneath since they are planning to put some plumbing there. They will rebuild on the same footprint.

The Board asked if the bulkhead will remain where it is. Mr. Hally said that it will.

Mr. Hally said that they have shown the plans to the neighbors on the left hand side. The neighbors have signed a letter of support which Mr. Hally submitted to the Board.

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

The Planning Board had no objection to granting the request.

#### Statement of Facts

The subject property is located at 50 Wellesley Avenue, with a minimum front yard setback of 26.8 feet, a minimum left side yard setback of 8.4 feet, and a minimum right side yard setback of 6.7 feet, on an 8,215 square foot lot in a district in which the minimum lot size is 10,000 square feet.

The petitioner is requesting a Special Permit/Finding that construction of a 9.5 foot by 15.8 foot one-story addition with a minimum left side yard setback of 12.5 feet and enclosure of an existing 4.9 foot by 9.9 foot covered portico with a minimum right side yard setback of 6.7 shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 5/17/06, stamped by Todd P. Chapin, Professional Land Surveyor, and Existing and Proposed Elevation Drawings and Construction Drawings, dated 5/8/06, prepared by Michael Hally Design, Inc., and photographs were submitted.

On June 6, 2006, the Planning Board reviewed the petition and had no objection to granting the request.

#### 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 9.5 foot by 15.8 foot one-story addition with a minimum left side yard setback of 12.5 feet and enclosure of an existing 4.9 foot by 9.9 foot covered portico with a minimum right side yard setback of 6.7 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 9.5 foot by 15.8 foot one-story addition and enclosure of an existing 4.9 foot by 9.9 foot covered portico, 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.

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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.

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Richard L. Seegel, Chairman

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J. Randolph Becker

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Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
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