



ZONING BOARD OF APPEALS

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

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ZBA 2013-55
Petition of Mark & Joanne Erhartic
4 Roberts Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, August 8, 2013, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of MARK & JOANNE ERHARTIC requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition with less than required front yard setbacks on an existing nonconforming structure with less than required front yard setbacks, on a 9,975 square foot corner lot in a district in which the minimum lot size is 20,000 square feet, at 4 ROBERTS ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On July 22, 2013, 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 were Mark and Joanne Erhartic, (the "Petitioner"). Mr. Erhartic said that the request is for an addition to the house for a master bathroom upstairs and to make use of the sunroom that is connected to the house. He said that the addition will be four feet closer to Worcester Street.

Mr. Erhartic said that it is a nonconforming house on an undersized lot.

Mr. Erhartic said that the neighbors had no objections to the proposed plans.

The Board said that there is a dimension on the plot plan from the addition to Worcester Street but not to Roberts Road. The Board said that the corner of the house is 26.8 feet from Roberts Road.

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 Roberts Road, on a 9,975 square foot corner lot in a district in which the minimum lot size is 20,000 square feet, with a minimum front yard setback of 26.8 from Roberts Road and a minimum front yard setback of 19.5 feet from Worcester Street.

AUG 22 P 3:13
 TOWN'S OFFICE
 WELLESLEY MA 02482

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition with less than required front yard setbacks on an existing nonconforming structure with less than required front yard setbacks, on a 9,975 square foot corner lot in a district in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 6/27/13, stamped by Joseph R. Sullivan, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings, dated 7/1/13, prepared by Homefolks Design, and photographs were submitted.

On August 6, 2013, 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 opinion of this Authority that although construction of a two-story addition with less than required front yard setbacks on an existing nonconforming structure with less than required front yard setbacks, on a 9,975 square foot corner lot in a district in which the minimum lot size is 20,000 square feet 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 two-story addition with less than required front yard setbacks on an existing nonconforming structure with less than required front yard setbacks, subject to the following condition:

1. A revised plot plan shall be submitted that shows a dimension of no less than 26.8 feet from the corner of the proposed addition to Roberts Road.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

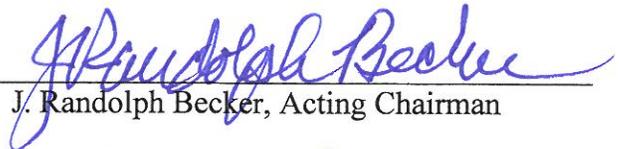
If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

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BUILDINGS OFFICE
MILLSLEY MA 02482

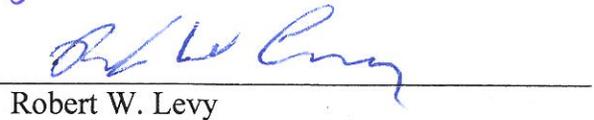
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TOWN CLERK'S OFFICE
MILLSLEY MA 02482

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.



J. Randolph Becker, Acting Chairman



Robert W. Levy



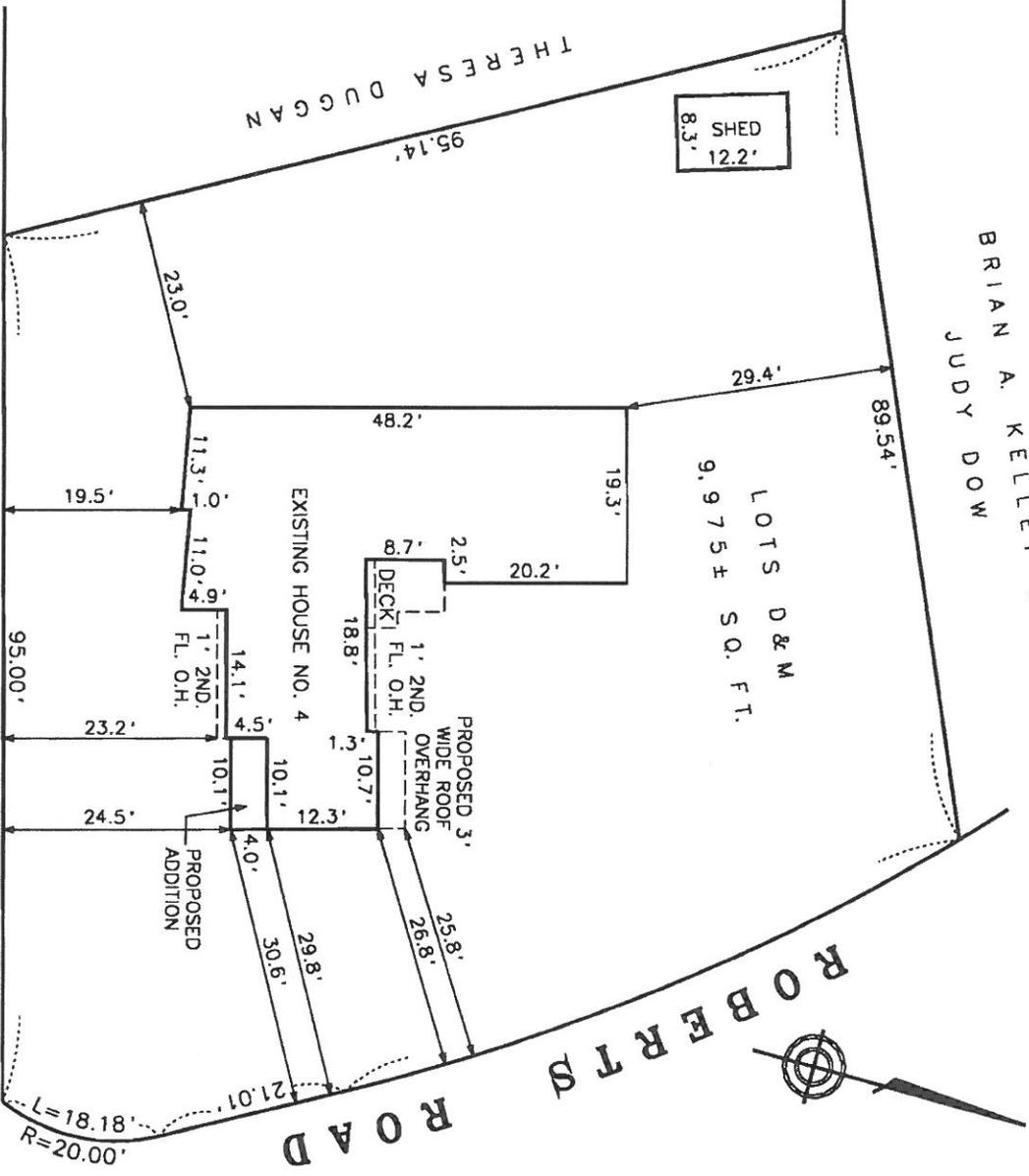
Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

BRIAN A. KELLEY &
JUDY DOW

SHED
12.2'
8.3'

LOTS D & M
9,975±
SQ. FT.



WORCESTER STREET

EXISTING LOT COVERAGE - 1,373 SQ. FT. - 13.76%
PROPOSED LOT COVERAGE - 1,445 SQ. FT. - 14.49%

**BOARD OF APPEALS
PLAN OF LAND IN
WELLESLEY, MASS.**

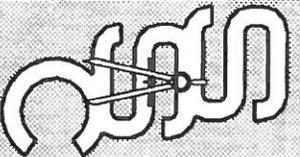
OWNED BY :
MARK V. & JOANNE F. ERHARTIC
DEED REF. : CERTIFICATE NO. 185113
NORFOLK REGISTRY OF DEEDS.

ASSESSORS MAP 121, LOT 23

ZONING CLASSIFICATION : SRD 20
SCALE : 1" = 20' JUNE 27, 2013



JOSEPH R. SULLIVAN
REG. PROFESSIONAL LAND SURVEYOR



SULLIVAN SURVEYING
COMPANY, LLC
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