

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
JOHN A. DONOVAN, JR.
ROBERT R. CUNNINGHAM

MARY ANN McDOUGALL
Executive Secretary
Telephone
235-1664

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

81.58

Petition of Joseph P. and Mary Diliberto

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Wednesday, October 14, 1981, at 8 p.m. on the Petition of Joseph P. and Mary Diliberto, requesting a variance from the terms of Section XIX, which will allow a two-story addition, twelve (12) feet by twenty-four (24) feet, to their dwelling at 25 Evergreen Avenue with less than the required front yard depth of thirty (30) feet. Said request is made under the provisions of Section XXIV-D of the Zoning Bylaw.

On September 28, 1981, the petitioner filed for a hearing before this Board and thereafter notice was given of the hearing by mailing and publication.

Present at the hearing and speaking on behalf of the request was Joseph P. Diliberto, who stated he proposes to remove an existing porch and construct a new two story addition. He stated the front yard was the only practical location for the addition, because the back is only twenty feet from the lot line, the left side has an existing porch and too much light would be cut off, the right side has a forty year old tree.

No one was present either in favor or in opposition to the request.

Statement of Facts

The property involved is located in a Single Residence District. The locus, 25 Evergreen Avenue, contains 12,500 square feet.

The petitioner seeks a variance to construct a two-story addition, twelve (12) feet by twenty-four (24) feet, containing four rooms, to the front of his dwelling. Said addition would be 26.5' from the front lot line with the setback requirement being thirty feet.

A Plot Plan was submitted, drawn by Philip Brown, Registered Land Surveyor, of MacCarthy & Sullivan Engineering, Inc., Natick, dated September 16, 1981. Construction sketches were also submitted.

The Planning Board, in a letter dated October 8, 1981, stated: "It would seem that the 30 foot setback requirement does not cause undue hardship for this lot and should be retained."

Decision

This Authority has made a careful study of the evidence submitted and at least one member has viewed the locus.

Variations may only be granted by the Permit Granting Authority once they have found any or all of the following (Section XXIV-D 1. as quoted from the Zoning Bylaw):

"1.....

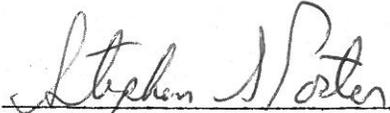
- a. Literal enforcement of the provisions of the Zoning Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to i) soil condition, ii) shape, or iii) topography of such land or structures,

. . . . AND

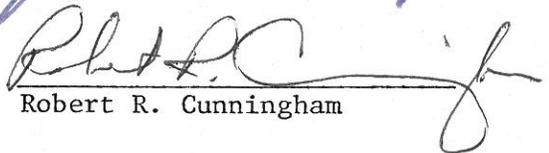
- b. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this Zoning Bylaw."

This Authority fails to find "substantial hardship" within the meaning of Section XXIV-D.

Therefore, it is the unanimous opinion of this Authority that this request for a variance be denied, and this petition is dismissed.


Stephen S. Porter, Chairman

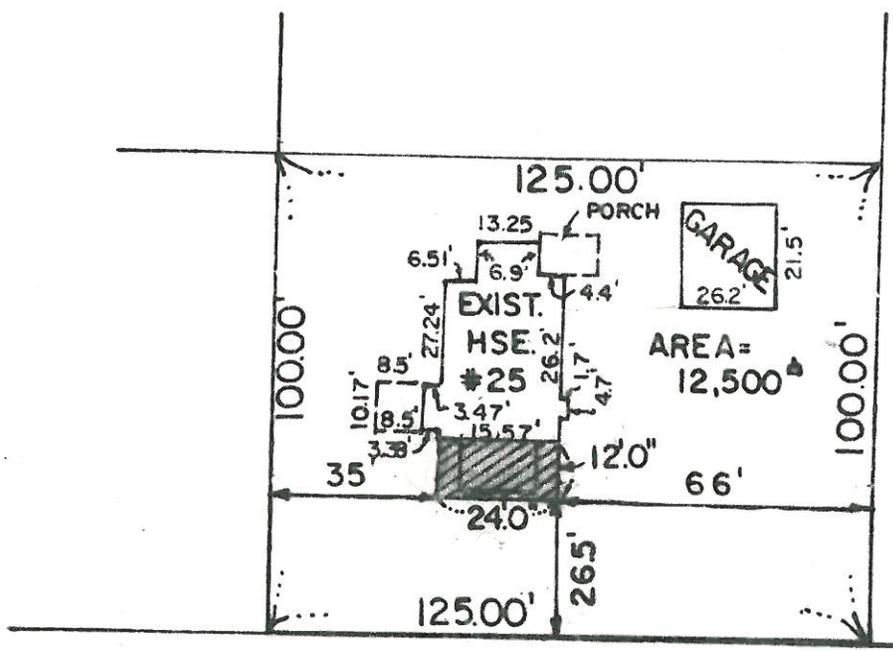

John A. Donovan, Jr.


Robert R. Cunningham

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EVERGREEN AVE.

NOTE: - EXISTING PORCH TO BE REMOVED.
SHADED AREA IS PROPOSED ADDITION.

WELLESLEY
BOARD OF APPEALS

DATE: _____



Philip R. Brown
PHILIP R. BROWN
REG. LAND SURVEYOR

PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY: JOSEPH P. & MARY E. DILIBERTO

SCALE: 1" = 40' SEPT. 16, 1981

PLAN BY: MACCARTHY & SULLIVAN ENGINEERING INC.
81 SPEEN ST., NATICK, MASS.