



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~~
XXXXXX
431-1019

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

ZBA 86-59
Petition of Francis L. & Janice Delmonico
3 Beverly Road

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.
NOV 26 9 49 AM '86

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, October 23, 1986 at 8 p.m. in the Great Hall of the Town Hall at 525 Washington Street, Wellesley on the petition of FRANCIS L. & JANICE L. DELMONICO requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which will allow the enclosure of an existing screened porch approximately 10.3 feet by 13.2 feet at their dwelling at 3 BEVERLY ROAD to create a permanent room and the addition of a second story room over the porch, leaving less than the required right (westerly) side yard.

On October 6, 1986 the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Janice Delmonico, who stated that the request was the same as the request for which a variance had been granted in 1964. The existing porch is non-conforming.

No others were present expressing favor or opposition to the request.

Statement of Facts

The property in question is located at 3 Beverly Road, containing 8,000 square feet of land. A dwelling exists on the property with a non-conforming screened porch leaving a right (westerly) side yard of 12.9 feet.

A variance was granted on June 3, 1984 (ZBA 64-21) to Edward J. & Annette P. McCabe to allow them to enclose the existing porch on the right side of their dwelling. A subsequent variance (ZBA 64-39) allowed them to construct a second story over the porch. Neither variance was exercised by the McCabes.

The petitioners, Francis & Janice Delmonico, wish to enclose the screened porch, which is approximately 10.3 feet by 13.2 feet, and to construct a room above the porch, leaving a right side yard of 12.9 feet.

A Plot Plan was presented, drawn by George N. Giunta, Registered Land Surveyor, of Needham, Ma., dated August 11, 1986.

Construction sketches were submitted, drawn by Arthur K. Wells, Jr., Natick, Ma. dated 9/3/86. Photos were also submitted.

Petition of Francis L. & Janice L. Delmonico
3 Beverly Road

The Planning Board, at its regular meeting of October 21, 1986, voted to oppose the granting of the request.

Decision

This Authority has made a careful study of the evidence presented. The particular house in question in its location on the lot does not conform to the present Zoning Bylaws. The dwelling comes to 12.9 feet from the right side lot line.

It is the opinion of this Authority that the proposed porch enclosure and the addition of the second floor above the porch conform to the present lines of the house and do not alter the relationship of the house to the right side lot line.

It is the opinion of this Authority that, because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted to enclose the existing screened porch to create a permanent room and to construct a second story room over the porch, leaving a right side yard of 12.9 feet.

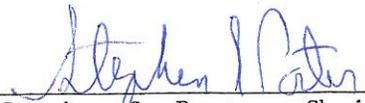
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

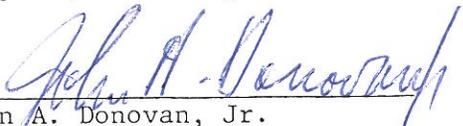
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

cc: Planning Board
Inspector of Buildings

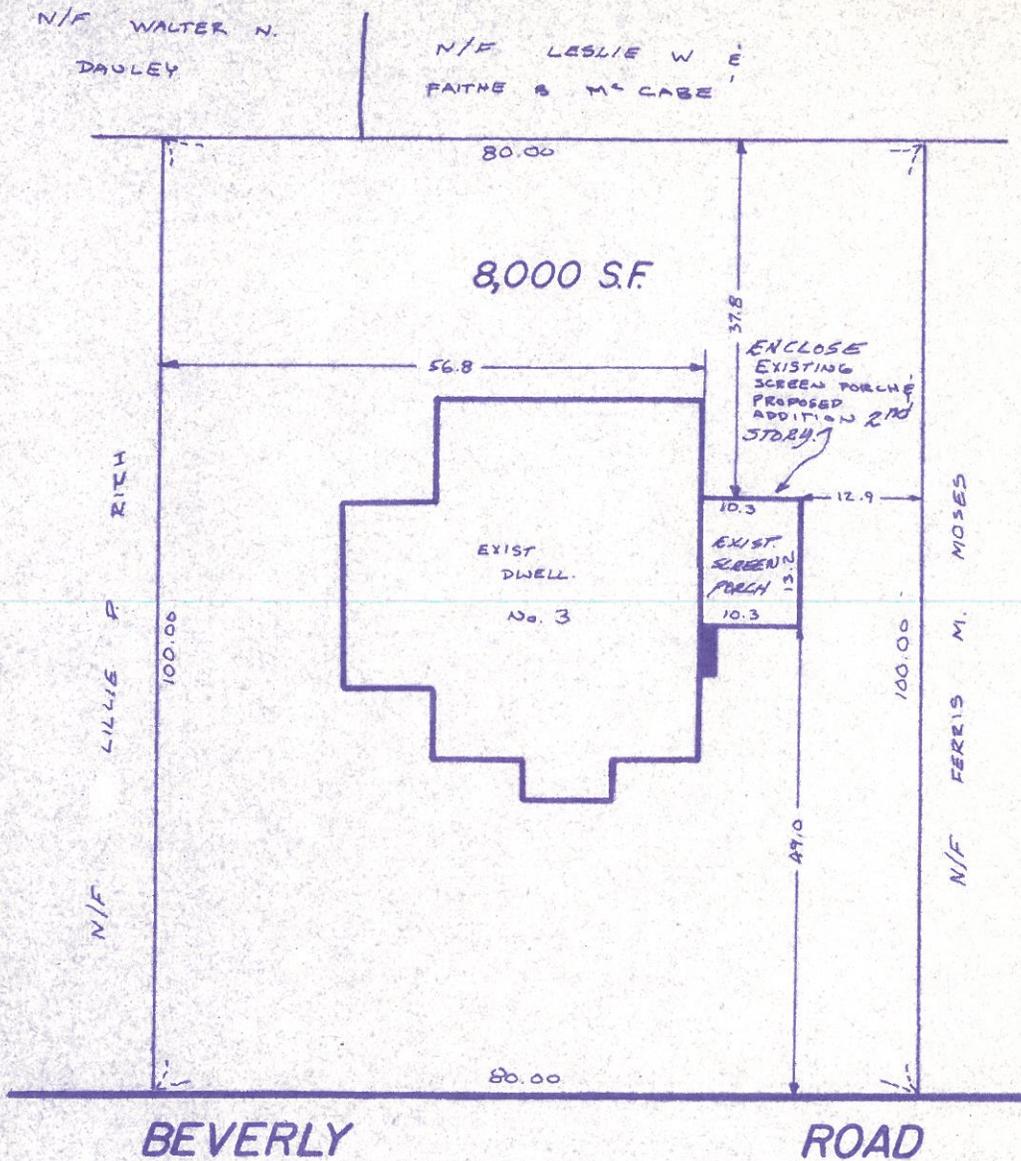
mam


Stephen S. Porter, Chairman


John A. Donovan, Jr.


William E. Polletta

NOV 26 9 49 AM '86
RECEIVED
TOWN CLERK'S OFFICE
WILLETSLEY MASS.



OCT 6 9 19 AM '86

REGISTERED
SURVEYOR'S OFFICE
WELLESLEY, MASS.

PLOT PLAN OF LAND
IN
WELLESLEY - MASS.

AUG. 11, 1986 SCALE 1" = 20'

GEORGE N. GIUNTA R.L.S.
76 NEHOIDEN ST.
NEEDHAM, MASS.

