

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 87-73

Petition of David Alberghini
35 Clifford Street

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, September 17, 1987 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley pursuant to the request of DAVID ALBERGHINI requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw which would allow the addition to his non-conforming dwelling at 35 CLIFFORD STREET, of a two-story addition approximately 14 feet by 30 feet on the left side of the dwelling, leaving less than the required front setback.

On August 24, 1987, 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 David Alberghini who stated that he wished to enlarge the two existing bedrooms and add two bedrooms. The Alberghinis need room for themselves, Mr. Alberghini's sister, visiting relatives, and future expansion of the family. The first floor would consist of a living room/den. The dwelling was built in 1865 and Mr. Alberghini felt that the only way to preserve the historic look of the home was to place the addition on the left side.

Mr. Cunningham questioned the necessity of extending the line of the front porch. Mr. Alberghini responded that even if the front porch were to be removed, the front setback would still be less than 30 feet.

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

Statement of Facts

The non-conforming dwelling is located at 35 Clifford Street on 10,507 square feet of land in a Single Residence District with a front setback of 23.6 feet.

A Plot Plan, dated June 6, 1987, prepared by Richard B. Betts, Registered Land Surveyor, and Construction plans showing the Existing Structure, Second Floor, First Floor and Basement were also submitted.

The Planning Board, at its regular meeting on August 25, 1987, voted to oppose the granting of the variance as the second floor addition would constitute an additional encroachment on the lot line.

The petitioner is requesting a variance to allow construction of a two-story addition to consist of a living room/den on the first floor and two bedrooms on the second floor as described above and for the reasons previously stated.

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Decision

This Authority has made a careful study of the evidence presented. The house in question does not conform to the Zoning Bylaws as its front setback is 23.6 feet.

It is the opinion of this Authority that the two-story addition consisting of a living room/den on the first floor and 2 bedrooms on the second floor, continuing the line of the front porch does not alter the relationship of the house to Clifford Street at its front setback.

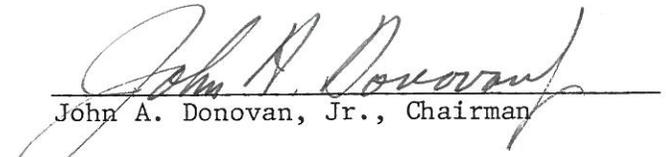
It is the further opinion of this Authority that a literal enforcement of the provisions of Section XIX would represent a substantial hardship to the petitioner and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance is granted subject to conformance with the plot plan and the construction plans listed above.

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.


John A. Donovan, Jr., Chairman


Robert R. Cunningham


William E. Polletta

cc: Planning Board
Inspector of Buildings

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PLAN OF LAND 1 N WELLESLEY — MASS.

TO ACCOMPANY THE PETITION OF DAVID M. ALBERGHINI

SCALE 1 IN = 20 FT. JUNE 6, 1987
EVERETT M. BROOKS CO., CIVIL ENG'RS.
NEWTONVILLE - MASS.

