



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

84-4

Petition of Joseph P. & Mary E. Diliberto

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall on Thursday, January 26, 1984 at 8 p.m. on the petition of Joseph P. and Mary E. Diliberto requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the conversion and expansion of an existing porch at 25 Evergreen Avenue to create a permanent room 24 feet by 9.3 feet leaving less than the required setback from Evergreen Avenue. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On January 5, 1984, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by publication and mailing.

Presenting the case at the hearing was Joseph Diliberto, who stated that the existing porch has a setback from the street of approximately 29 feet. He wishes to continue the existing lines of the porch and expand it parallel to the street, coming no closer than 29 feet from the street.

Other than the petitioner, no one was present at the hearing favoring or opposing the petition.

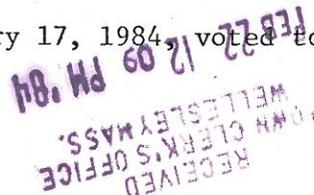
Statement of Facts

The property in question is located at 25 Evergreen Avenue, containing 12,500 square feet of land, in a Single Residence District.

The existing dwelling is a legal non-conforming structure, with a setback of 29 feet from Evergreen Avenue at one point, the required setback being 30 feet. The petitioner proposes to convert and expand an existing front porch to create a permanent room 24 feet by 9.3 feet. The addition would come no closer to the street than the existing porch.

A Plot Plan was submitted, drawn by Philip R. Brown, Registered Land Surveyor, of MacCarthy & Sullivan Engineering, Inc., Natick, Ma. dated 12/1/83. Construction drawings were also submitted, by Santos and Bamforth, Lowell, Ma. dated 11/18/83.

The Planning Board, at its regular meeting of January 17, 1984, voted to offer no comment on the petition.



Decision

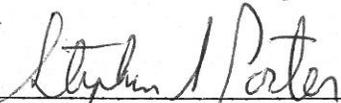
This Authority has made a careful study of the evidence submitted. The particular house in question in its location on the lot does not conform to the present Zoning Bylaws. The dwelling has a front yard setback of 29 feet.

It is the opinion of this Authority that the proposed construction conforms to the present lines of the house and does not alter the relationship of the house to the street.

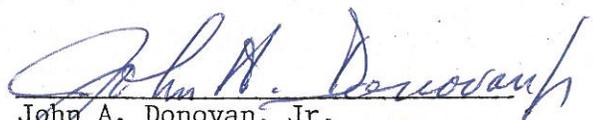
It is the unanimous decision of this Authority that because of the shape of the lot and the location of the dwelling on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority 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 construct a one story addition approximately 24 feet by 9 feet 3 inches as shown on the Plot Plan drawn by Philip R. Brown, Registered Land Surveyor of MacCarthy & Sullivan Engineering Inc., dated 12/1/83, with a minimum setback of 29 feet from Evergreen Avenue.

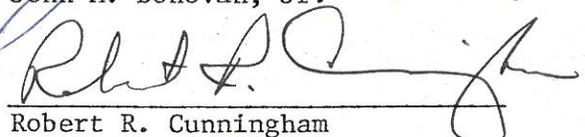
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.



Stephen S. Porter, Chairman



John A. Donovan, Jr.

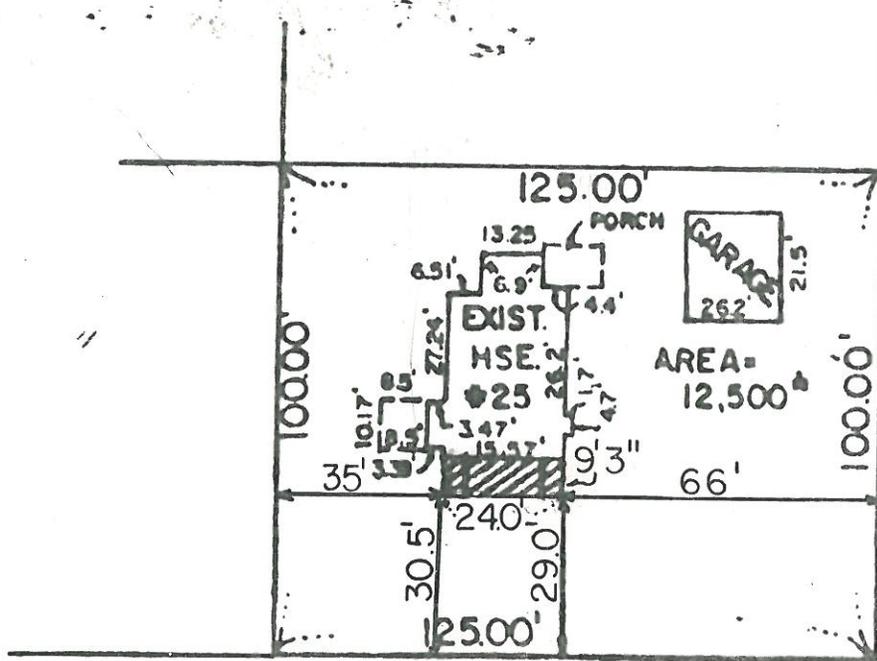


Robert R. Cunningham

mam

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MASS.
FEB 22 12 09 PM '84

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MASS.
JAN 5 11 08 AM '84

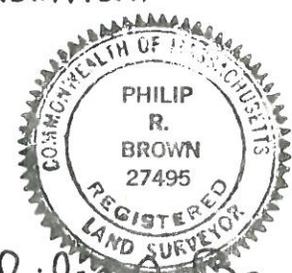


EVERGREEN AVE.

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

WELLESLEY
BOARD OF APPEALS

DATE: _____



Philip R. Brown
PHILIP BROWN
REG. LAND SURVEYOR

PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY: JOSEPH P. & MARY E. DILIBERTO

SCALE: 1" = 40' DECEMBER 1, 1983

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