

**ZONING BOARD OF APPEALS**

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ZBA 2008-03
Petition of Linda Vaccaro
14 Riverdale Road

Petition of LINDA VACCARO requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that enclosure of an existing nonconforming 7.8 foot by 19.4 foot porch with less than required front yard setbacks, in a 10,000 square foot Single Residence District, at 14 RIVERDALE ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 17, 2007, 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 was Rene Chouinard, who said that he was representing Ms. Vaccaro (the "Petitioner"). Mr. Chouinard said that the original porch was dangerous because the supports had rotted. The Building Inspector issued a permit on November 8, 2007 to rebuilt the damaged porch to code.

Mr. Chouinard said that the proposal is to replace railings with windows to change the use to a three-season porch. He said that the porch roof is existing. Three columns support the roof. The deck had recently been rebuilt.

Mr. Chouinard said that access to the porch will be from the house.

The Board said that an enclosed porch will add considerable weight to the support system. Mr. Chouinard said that four foot footings and holes have been inspected. The header of the porch and roof system will be supported in the center and at the two corners. The proposal is to add large glass windows. The three-season porch will be built to code.

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 14 Riverdale Road, in a 10,000 square foot Single Residence District, with a minimum front yard setback of 20.4 feet and a minimum right side yard setback of 12.3 feet.

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The Petitioner is requesting a Special Permit/Finding that enclosure of an existing nonconforming 7.8 foot by 19.4 foot porch with less than required front yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 11/27/07, stamped by James J. Abely, Professional Land Surveyor, Existing and Proposed Elevation Drawings, dated 11/5/07, drawn by Chouinard Carpentry, and photographs were submitted.

On December 27, 2007, the Planning Board reviewed the petition and opposed granting the request.

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 finding of this Authority that enclosure of an existing nonconforming 7.8 foot by 19.4 foot porch with less than required front yard setbacks shall not be substantially more detrimental to the neighborhood, as it will neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for enclosure of an existing nonconforming 7.8 foot by 19.4 foot porch, in accordance with the submitted plot plan and construction drawings.

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

Richard L. Seegel, Chairman

J. Randolph Becker

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm