



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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SUMNER H. BABCOCK

ZBA 88-43  
Petition of Joseph and Mary Diliberto  
25 Evergreen Avenue

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 19, 1988 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley, on the petition of JOSEPH AND MARY DILIBERTO requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow the raising of the ridgeline of their roof approximately 5 feet to accommodate a second floor addition and the addition of a 2 foot overhang on said roof at their non-conforming dwelling at 25 EVERGREEN AVENUE, in a Single Residence District, leaving less than the required front setback.

On May 2, 1988, the petitioners 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 Joseph Diliberto who said he wished to extend his second story over his existing first floor and add a 2 foot overhang to the roof in the front of the house. Mr. Diliberto said that the addition would not increase the present non-conformance of 1 foot.

No other persons had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 25 Evergreen Avenue, in a Single Residence District on a 12,500 square foot lot with a minimum front setback of 29 feet.

The petitioners are requesting a variance to remove an existing porch and portion of the first floor of the dwelling, to raise the roof approximately 5 feet to accommodate a two-story addition approximately 14 feet 6 inches by 34 feet 6 inches and to add a 2 foot overhang to the portion of the roof fronting Evergreen Avenue. Said overhang would leave a front setback of 27 feet.

In January, 1986 the petitioners were granted a variance to allow the conversion and expansion of the existing porch to create a permanent room 24 feet by 9.3 feet leaving a front setback of 29 feet. (ZBA 84-4)

A Plot Plan, dated April 6, 1988, drawn by Joseph R. Sullivan, Registered Land Surveyor; construction plans and elevations, dated July 7, 1987, revised February 3, 1988, drawn by Construction Design, Inc., and photographs were submitted.

The Planning Board, on May 17, 1988, voted to offer no objection to the request.

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Decision

This Authority has made a careful study of the evidence presented. The subject house does not conform to the present Zoning Bylaw as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed removal of the existing porch and front portion of the house, the raising of the ridgeline of the roof approximately 5 feet to accommodate a two story addition does not alter the relationship of the house to the front lot line. The proposed 2 foot overhang at the front of the house, although reducing the front setback to 27 feet, is not severe enough to be disallowed.

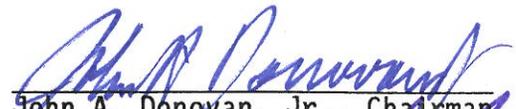
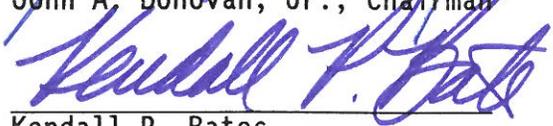
It is the opinion of this Authority that because of the shape of the lot and the location of the house on the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner and that desirable relief may be granted without substantially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

Therefore, the requested variance is granted to remove the existing porch and front portion of the dwelling, to raise the roof approximately 5 feet to accommodate a two-story addition approximately 14 feet 6 inches by 34 feet 6 inches coming no closer than 29 feet from the front property line and to add a 2 foot overhang to the front portion of the roof, said overhang coming no closer than 27 feet from the front property line, in accordance with the Plot Plan and construction plans described in the Statement of Facts.

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.

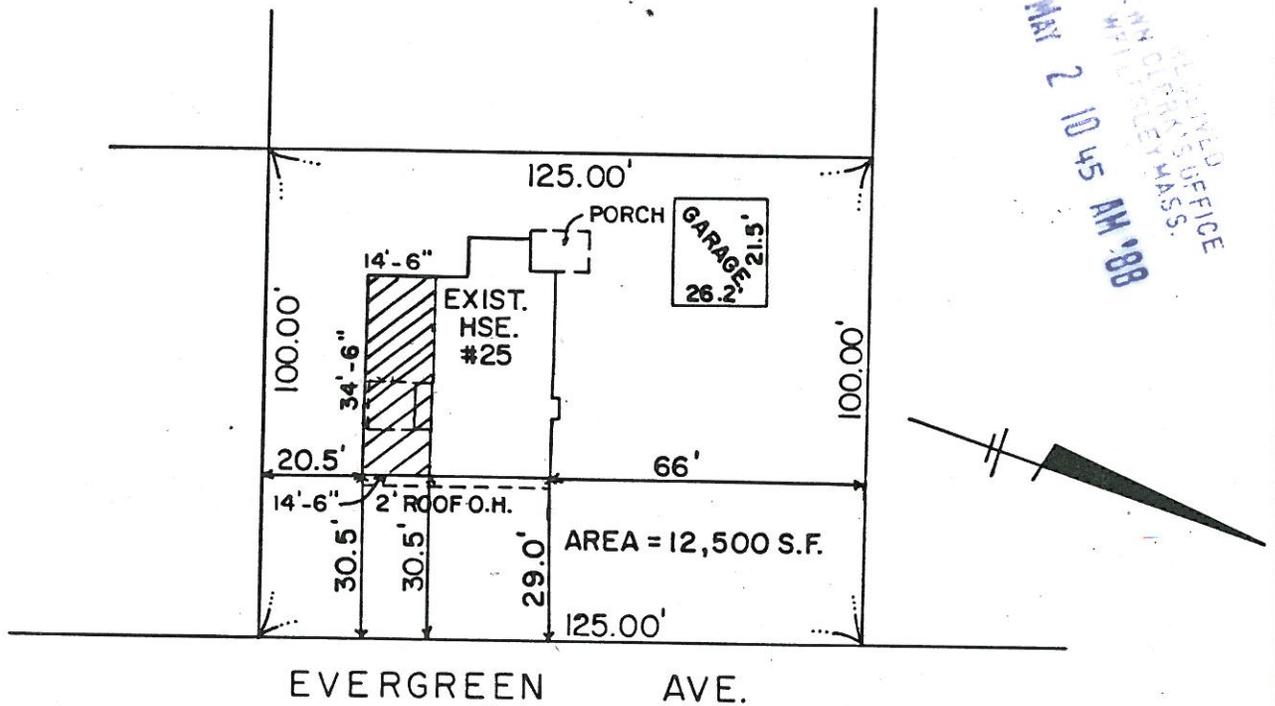
  
John A. Donovan, Jr., Chairman  
  
Kendall P. Bates

cc: Planning Board  
Inspector of Buildings  
edg

  
William E. Polletta

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BUILDING AREA INCLUDING ADDITION = 2198 S.F.  
LOT COVERAGE = 17.6 %



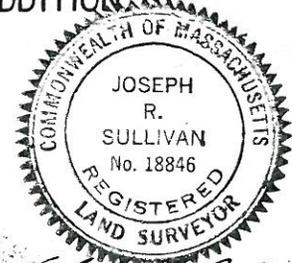
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WELLESLEY, MASS.

NOTE: - EXISTING PORCH & PORTION  
OF HOUSE TO BE REMOVED.  
SHADED AREA IS PROPOSED  
ADDITION.

WELLESLEY  
BOARD OF APPEALS

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\_\_\_\_\_

DATE: \_\_\_\_\_



*Joseph R. Sullivan*  
JOSEPH R. SULLIVAN  
REG. PROF. SURVEYOR

PLAN OF LAND IN WELLESLEY, MASS.

OWNED BY: JOSEPH P. & MARY E. DILIBERTO

SCALE: 1" = 40'

APRIL 6, 1988

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