



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
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ZBA 96-15
Petition of Sheila M. Marinucci
72 Seaver Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, March 28, 1996 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) at the Town Hall, 525 Washington Street, Wellesley, on the petition of SHEILA M. MARINUCCI requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the construction of the following additions to her nonconforming dwelling with less than the required left side yard setback at 72 SEAVER STREET, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Raising the ridge line of the existing roof approximately 10 feet to accommodate a second story addition approximately 24.5 feet by 40.5 feet with less than the required left side yard setback. There will be no change in the footprint.
2. Demolition of the existing front porch and construction of a new porch approximately 24.5 feet by 7 feet, which would have less than the required left side yard setback.

A variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw is requested to allow the proposed porch to have an area of more than the allowed 50 square feet and to project more than the allowed 5 feet from the face of the building.

On March 11, 1996, 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 Sheila Marinucci, who said that she would like to add a complete second story to her home. Presently, her porch is off center. She would like to extend it across the entire front of the house.

The Board noted that the house was set back about 147 feet from Seaver Street. Ms. Marinucci said that she had plenty of frontage, but not enough left side yard.

No other person present had any comment on the petition.

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Statement of Facts RECEIVED
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The subject property is located at 72 Seaver Street, in a Single Residence District, on a 13,055 square foot lot, and has a minimum left side yard clearance of 14.7 feet. The lot has frontage of 53 feet, a rear width of 69.72 feet, and a depth of 217.40 feet. The existing nonconforming dwelling has a front setback of 147.6 feet.

The petitioner is requesting a Special Permit/Finding to allow her to raise the ridge line of the existing roof approximately 10 feet to accommodate the addition of a second story approximately 24.5 feet by 40.5 feet, which would have a minimum left side yard clearance of 14.7 feet, but no change in the footprint.

A Special Permit/Finding is also requested to demolish the existing front porch and construct a new porch approximately 24.5 feet by 7 feet, which would have a minimum left side yard clearance of 16.0 feet. A variance is also requested to allow the porch to exceed the allowed area of 50 square feet, as the area of the proposed porch will be 171.5 square feet; and for the porch to extend 7 feet, rather than the allowed 5 feet, from the face of the building.

A Plot Plan dated March 4, 1996, drawn by Bruce Bradford, Professional Land Surveyor; existing and proposed floor plans and elevations; and photographs were submitted.

On March 19, 1996, the Planning Board reviewed the petition and voted to offer no opposition to the granting of these requests.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the unanimous finding of this Authority, as voted at the Public Hearing, that the proposed raising of the ridge line of the existing roof to accommodate a 24.5 foot by 40.5 foot second story addition will not intensify the existing nonconformance, nor create new nonconformities as there will be no change in the footprint.

Therefore, the requested Special Permit is hereby granted for the construction of the proposed second story addition subject to construction in accordance with the submitted Plot Plan and construction sketches.

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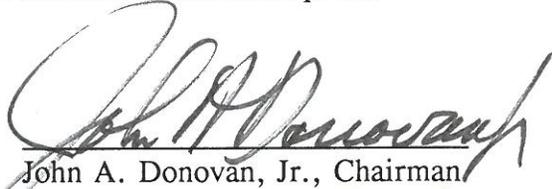
It is the unanimous finding of this Authority, as voted at the Public Hearing, that the construction of a 24.5 foot by 7 foot front porch will not intensify the existing nonconformance or create new nonconformities, as the left side yard minimum clearance of 16 feet is less of an encroachment on the left side line than that of the existing nonconforming structure.

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, both the requested Special Permit and variance to demolish the existing front porch and construct a new 24.5 foot by 7 foot front porch, which will have an greater area than the allowed 50 square feet and a greater depth than the allowed 5 feet, are granted.

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

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
THE FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert A. Bastille

cc: Planning Board
Inspector of Buildings
edg

PLAN OF LAND IN WELLESLEY, MASS.

72 SEAVER STREET
SHOWING PROPOSED ADDITIONS

SCALE 1 IN. = 20 FT. MARCH 4, 1996
REVISED JULY 25, 1996

PREPARED BY:
EVERETT M. BROOKS COMPANY
49 LEXINGTON STREET
WEST NEWTON MA 02165
(617) 527-8750

PROJECT NO. 18492



SEAVER STREET

