



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

ELLEN D. GORDON
Executive Secretary
Telephone
431-1019 X208

SEP 16 3 05 PM '96

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SUMNER H. BABCOCK

ZBA 96-59

Petition of Judith M. and Richard R. McGinnis
27 Livermore Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, August 22, 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 JUDITH M. AND RICHARD R. MCGINNIS requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow demolition of an existing nonconforming unroofed 6 foot by 6 foot 1 inch porch and construction of a roofed 6 foot by 12 foot 1 inch porch with less than the required left side yard setback, at their nonconforming dwelling with less than the required left side yard and less than the required front setback from FLETCHER ROAD, at 27 LIVERMORE ROAD, in a Single Residence District.

On August 5, 1996, the petitioners 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 were Judith and Richard McGinnis. Mrs. McGinnis said that their house is 100 years old and has a 6 foot by 6 foot 1 inch porch which is rotting and not well supported. They would like to replace it with a larger roofed porch, which would extend slightly beyond the front of the house. Mr. McGinnis said that there is a second enclosed porch on the left side, which will be accessed through the new porch. They would like to extend the new porch the entire width of the existing porch.

No other person present had any comment on the petition.

Statement of Facts

The subject nonconforming dwelling is located at 25-27 Livermore Road, in a Single Residence District, on a 15,081 square foot lot, with frontage on Livermore Road and Fletcher Street. The dwelling has a minimum front setback of 28.9 feet from Fletcher Road and a minimum left side yard clearance of 11.1 feet.

The petitioners are requesting a variance to demolish an existing nonconforming 6 foot by 6 foot 1 inch unroofed porch and construct a 6 foot by 12 foot 1 inch roofed porch, which will have a minimum left side yard clearance of 10.6 feet.

A Plot Plan dated July 26, 1996, drawn by John Lawrence Noonan, Professional Land Surveyor; undated, unsigned floor plans and elevations; and a photograph were submitted.

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On August 20, 1996, the Planning Board reviewed the petition and voted to recommend no objection to granting the requested variance.

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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 opinion of this Authority that the proposed porch conforms to the present lines of the house, and that the 6 inch encroachment on the left side line is de minimus and can be allowed.

It is the further 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 petitioners 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, as voted unanimously by this Authority at the Public Hearing, for the demolition of the existing unroofed porch and construction of the roofed porch, subject to construction in accordance with the submitted plot plan and construction drawings.

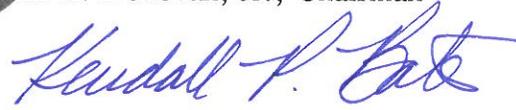
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon receipt and approval of a building application and detailed construction plans.

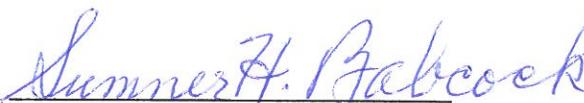
If the rights authorized by this variance are not exercised within one year of the date of grant of said variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

cc: Planning Board
Inspector of Buildings
edg

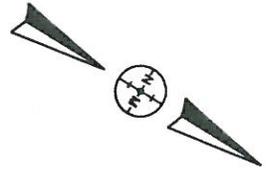

John A. Donovan, Jr., Chairman


Kendall P. Bates


Sumner H. Babcock

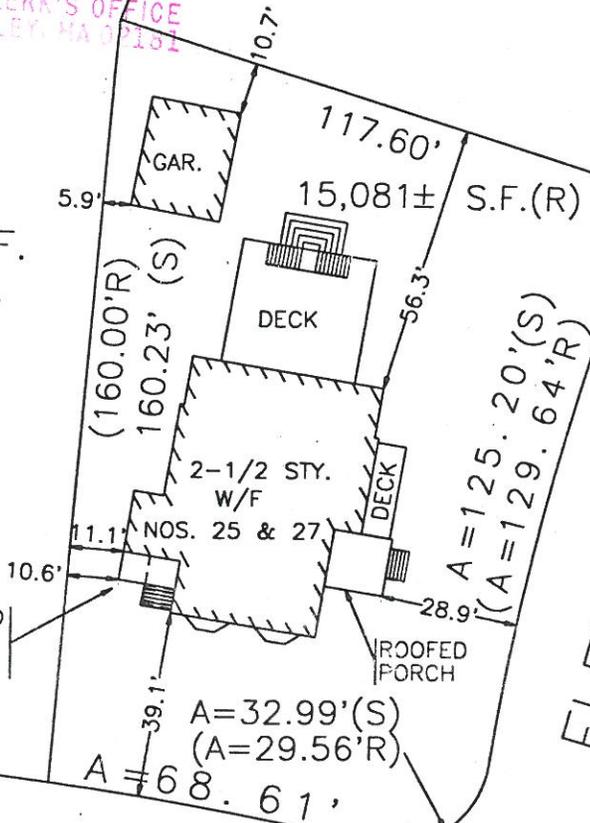
Aug 5 9 52 AM '96

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WELLESLEY, MA 01981



15146.6 SF.
0.348 AC.

PROPOSED ROOFED
PORCH & STEPS
6'-0" x 12'-1"



FLETCHER STREET

LIVERMORE ROAD

LEGEND
R RECORD
S SURVEY

NOTE
1' ROOF OVERHANG AROUND
HOUSE AND GARAGE.



PLOT PLAN
IN
WELLESLEY, MASS.
SCALE: 1IN. = 40FT. JULY 26, 1996
NOONAN & MC DOWELL, INC.
SUITE 6, 25 BRIDGE ST.
BILLERICA, MA. 01821-1023
(508) 667-9736

7/31/96 *John Lawrence Noonan*
DATE PROFESSIONAL LAND SURVEYOR

NOTE:
THIS PLOT PLAN IS THE PROPERTY OF NOONAN & MC DOWELL, INC. AND MAY NOT BE ALTERED.

JOB NO. 608
DWG. NO. 608