



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 95-54
Petition of Richard D. and Ingrid M. Lederman
41 Maurice Road

Pursuant to due notice, the Permit Granting Authority and the Special Permit Granting Authority held a Public Hearing on Thursday, July 27, 1995, 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 RICHARD D. AND INGRID M. LEDERMAN requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow their existing nonconforming enclosed porch approximately 14 feet by 10 feet, with less than the required right side yard setback, at the rear of their dwelling at 41 MAURICE ROAD, in a Single Residence District, to be brought into conformance with the current Zoning Bylaw. Said porch was constructed in 1954 by a prior owner without a building permit. A variance allowing said porch was granted in 1987 to a prior owner, but the decision was never recorded.

The petitioners are also requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the remodeling of the nonconforming porch and integration into the interior structure of the dwelling shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. There will be no change in the footprint.

On July 10, 1995, 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 Richard and Ingrid Lederman. Mr. Lederman said that they have recently purchased their home, and discovered that the porch is not only nonconforming, but was built without a building permit. In 1987, the owners received a variance to allow the porch, but never recorded the decision at the Registry of Deeds. If the porch is allowed, they would like to replace some glass sliders with permanent windows. The neighbors have no problem with the petition.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 41 Maurice Road, in a Single Residence District, on a 12,880 square foot lot, with a minimum right side yard clearance of 18.1 feet.

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The subject 10 foot by 14 foot porch was constructed in 1954 without a building permit. The right rear corner of the porch has a minimum right side yard clearance of 18.1 feet. In 1987, the G. & A. Family Trust (Gerald E. Josephson, Trustee) was granted a variance (ZBA 87-49) to allow the existing porch with the minimum right side yard setback. This decision was never recorded at the Registry of Deeds.

The petitioners have recently purchased the property from the G. & A. Family Trust, and are applying for the same variance granted in 1987 to bring the existing dwelling into conformance with the current Zoning Bylaw.

The petitioners are also requesting a Special Permit/Finding that the proposed remodelling of the porch and incorporation into the interior structure of the dwelling shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated July 5, 1995, drawn by Carmen A. Testa, Registered Land Surveyor; Floor Plans and Elevations dated July 1, 1995, drawn by A.M. Lederman Co.; and photographs were submitted.

On July 20, 1995, the Planning Board reviewed the petition and voted to offer no objection to the request.

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 a literal enforcement of the provisions of the Zoning Bylaw would involve a substantial hardship to the petitioners. Furthermore, the grant of the variance would not be detrimental to the neighborhood, nor would it be in derogation of the intent or purpose of the Zoning Bylaw.

Therefore, the requested variance from the terms of Section XIX of the Zoning Bylaw is granted to allow the existing dwelling with a right side yard setback of 18.1 feet as shown in the submitted plot plan.

It is the finding of this Authority that the proposed remodelling of the subject 10 foot by 14 foot porch will not intensify the existing nonconformance, nor will it create additional nonconformities, as there will be no change in the footprint.

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Therefore, a Special Permit is granted pursuant to Section XVII of the Zoning Bylaw to allow the proposed remodelling of said porch subject to construction in accordance with the submitted plot plan and construction sketches.

The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his 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 FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

cc: Planning Board
Inspector of Buildings
e3dg



Kendall P. Bates, Acting Chairman

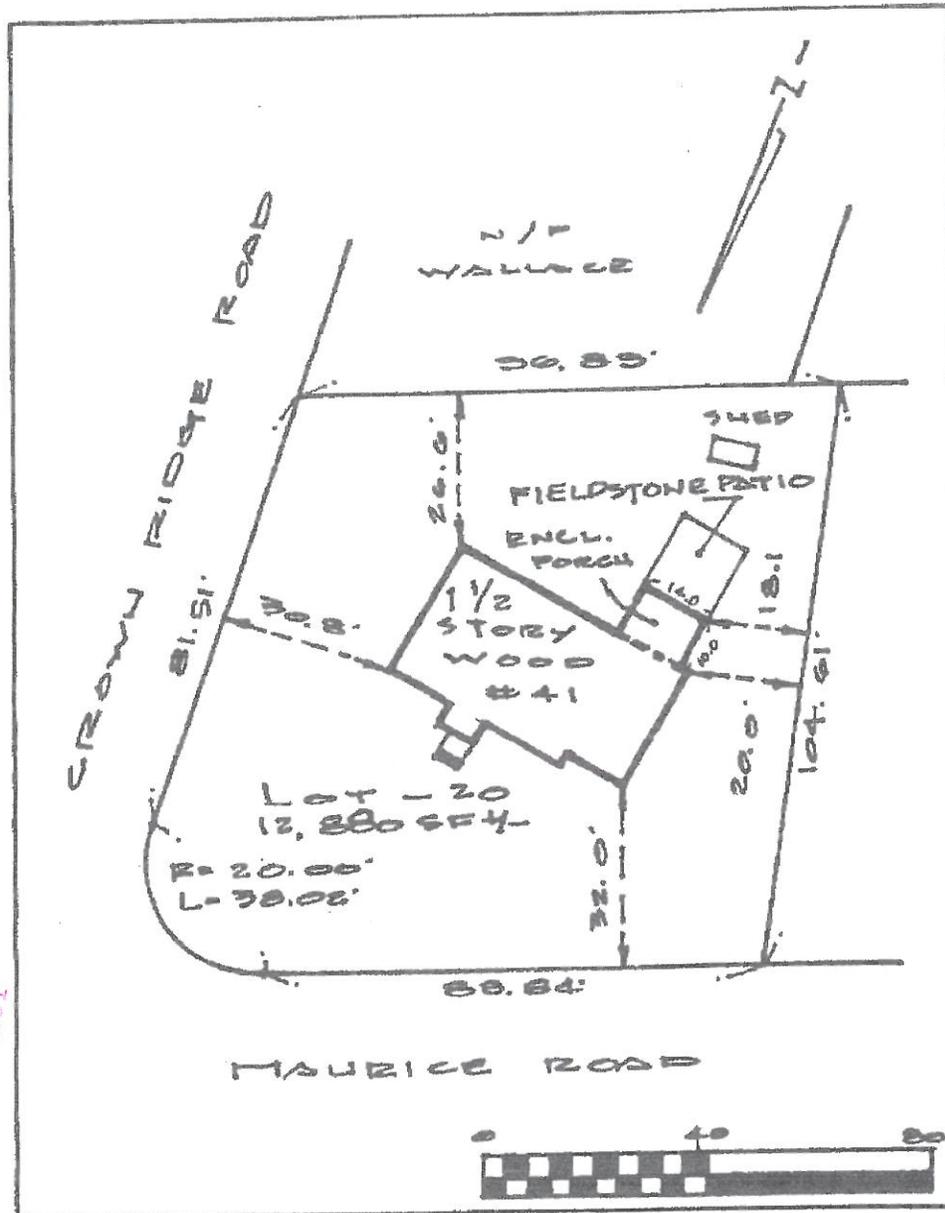


William E. Polletta



Sumner H. Babcock

PROPOSED CONSTRUCTION CERTIFIED PLOT PLAN



Jul 10 9 37 AM '95

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02181

July 5, 1995

Date

Reg. Land Surveyor

342 N. MAIN ST.
ANDOVER MA 01810

Address

