

TOWN OF WELLESLEY



MASSACHUSETTS

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TOWN ENGINEERING OFFICE  
WELLESLEY, MASS.  
AUG 28 11 27 AM '86

ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman  
JOHN A. DONOVAN, JR.  
ROBERT R. CUNNINGHAM

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Executive Secretary  
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WILLIAM E. POLLETTA  
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SUMNER H. BABCOCK

ZBA 86-46

Petition of Walter F. & Ana Maria Keating  
29 Cavanagh Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, August 14, 1986 at 8 p.m. in the Great Hall of the Town Hall at 525 Washington Street on the petition of WALTER F. & ANA MARIA KEATING requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaws to allow the construction of a one-story addition to their non-conforming dwelling at 29 CAVANAGH ROAD to include a 9 by 12 foot room leaving less than the required right (southerly) side yard.

On July 22, 1986 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 Ana Keating, who stated that the new addition will square off the house and come no closer than the existing dwelling to the lot line.

No others were present expressing favor or opposition to the request.

#### Statement of Facts

The property in question is located at 29 Cavanagh Road, containing 7,780 square feet of land. The existing dwelling is a legal non-conforming dwelling with a right side yard of 10.3 feet.

The petitioners propose a one-story addition approximately 9.1 feet by 12.1 feet at the rear of the house. The addition would square off the rear corner of the house and come no closer than the existing house or 10.3 feet from the right side lot line.

A Plot Plan was presented, drawn by Joseph T. McLaughlin, Registered Land Surveyor, of Framingham, dated June 23, 1986. Construction sketches and photos were also presented.

A letter of support, dated August 10, 1986, was received from Donald R. Bailey, 25 Cavanagh Road.

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Decision

This Authority has made a careful study of the evidence presented. The particular house in question in its location on the lot does not conform to the present Zoning Bylaws. The dwelling comes to 10.3 feet from the right (southerly) side lot line.

It is the opinion of this Authority that the proposed one-story addition conforms to the present lines of the house and does not alter the relationship of the house to the right side lot line.

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.~~ It is the further opinion of this Authority 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 construct a one-story addition at 29 Cavanagh Road, said addition approximately 9.1 feet by 12.1 feet, as shown on the Plot Plan drawn by Joseph T. McLaughlin, Registered Land Surveyor, dated June 23, 1986, coming no closer than 10.3 feet from the right (southerly)side lot line.

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.

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

mam

  
Stephen S. Porter, Chairman

  
John A. Donovan, Jr.

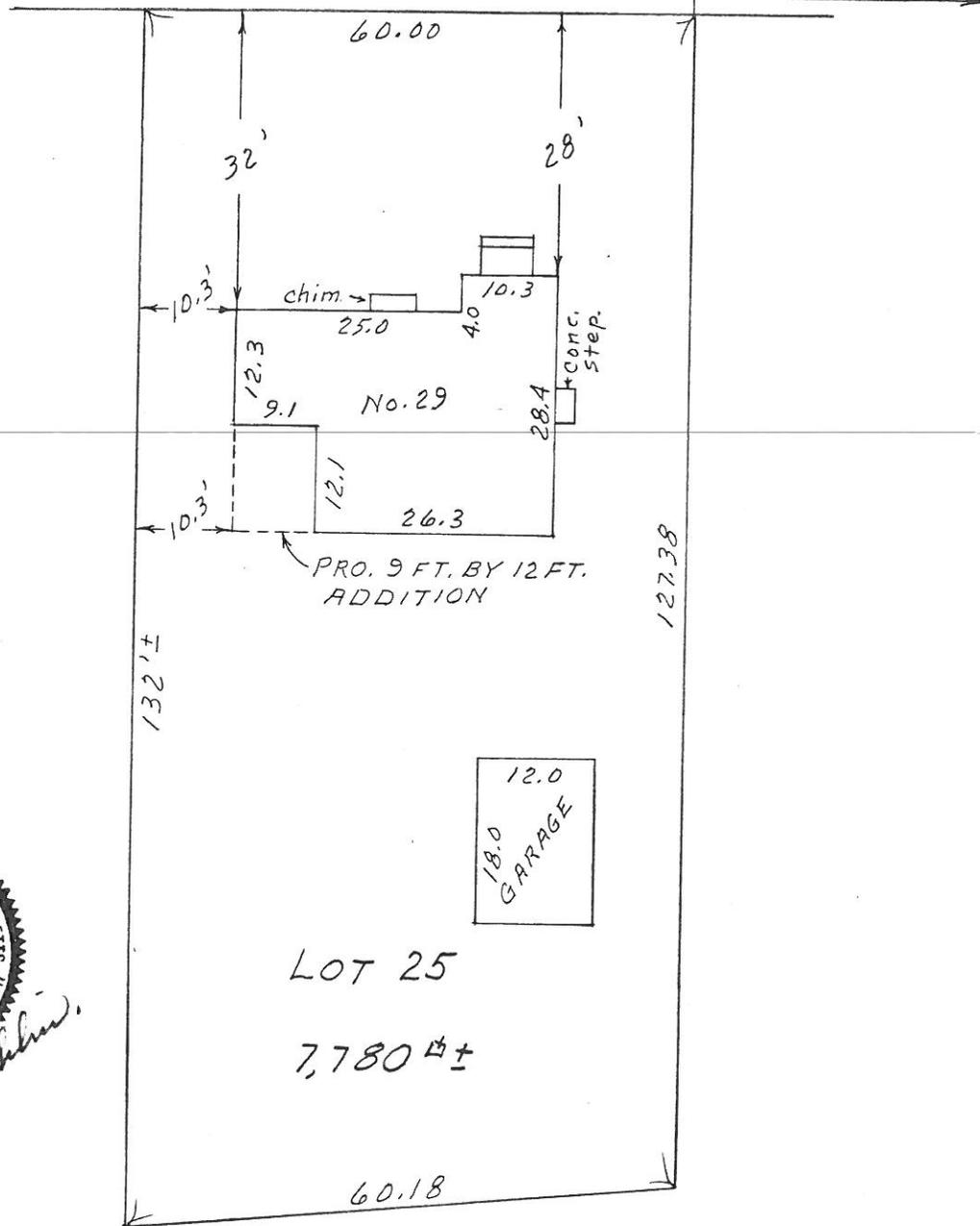
  
William E. Polletta

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TOWN CLERK'S OFFICE  
TOWN OF WESTPORT, MASS.

CAVANAUGH

RD.

215 FT. TO PINE PLAIN RD.



*Joseph T. McLaughlin*

LOT 25

7,780 ±

60.18

PLAN OF LAND IN WELLESLEY, MASS.  
 SHOWING  
 PROPOSED ADDITION TO EXISTING BLDNG.  
 OWNED BY  
 WALTER F. & ANNA MARIA KEATING  
 29 CAVANAUGH RD., WELLESLEY, MASS.  
 SCALE: 1 IN. = 20 FT. JUNE 23, 1986

NELSON & McLAUGHLIN  
 REGISTERED LAND SURVEYORS  
 180 SUMMER ST., FRAM. MASS.