



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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

MARY ANN McDOUGALL
Executive Secretary
Telephone
235-1664

WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

84-33

Petition of Stephen and Janice Mahoney

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the Upper Town Hall Main Hearing Room on Thursday, July 12, 1984 at 8 p.m. on the petition of STEPHEN AND JANICE MAHONEY requesting a variance from the terms of Section XIX of the Zoning Bylaw which will allow the construction of a one-story addition approximately 11 feet by 32.6 feet at the rear of their dwelling at 31 CAVANAGH ROAD, said addition to contain a family room and a bathroom, leaving less than the required right side yard. The existing dwelling is a legal non-conforming dwelling.

On June 20, the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case was Stephen Mahoney, who stated that the proposed addition would not encroach any further than the existing house, that there have been no objections by neighbors.

Other than the petitioner, no one was present at the hearing favoring or opposing the petition.

Statement of Facts

The property in question is located at 31 Cavanagh Road, containing 8,800 square feet of land, in a Single Residence District. The existing house is a legal non-conforming dwelling with a right sideyard of 14.13 feet.

The proposed 11 by 32.6 foot addition, a family room and bath, at the rear of the dwelling, would continue the existing lines of the house and not encroach any further on the right side line. An addition could not extend further into the rear yard because of a swimming pool located 15 feet from the dwelling.

The petitioner claims a hardship due to the fact that the house was constructed in the 1920's when sideline requirements were 10 feet, but is now a non-conforming structure.

A plot plan was submitted, drawn by John J. Regan, Registered Land Surveyor, of Apex Associates, Newton Highlands, dated April 27, 1984. Construction sketches were also submitted.

Aug 7 1 07 PM '84
RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.

The Planning Board, at its regular meeting of July 9, 1984, voted to offer no comment on the petition.

Peter and Joan Allegrini, 29 Cavanagh Road, abutters on the side of the proposed addition, submitted a letter stating no objection to the request.

Decision

This Authority has made a careful study of the evidence submitted. The particular house in question is its location on the lot does not conform to the present Zoning Bylaws. The dwelling comes to 14.13 feet from the right side line.

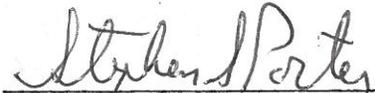
It is the opinion of this Authority that the proposed one-story addition conforms to the present lines of the house and does not alter the relationship of the house to the right side lot line.

It is the unanimous decision of this Authority that, because of the shape of 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.

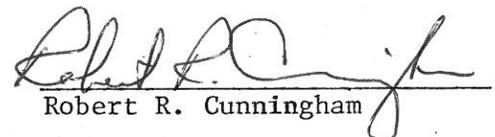
Therefore, the requested variance is granted to construct a one-story addition approximately 11 by 32.6 feet, as shown on a plot plan drawn by John J. Regan of Apex Assoc., dated April 27, 1984, coming no closer than 14.33 feet from the right side line.

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.

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.



Stephen S. Porter, Chairman



Robert R. Cunningham



William E. Polletta

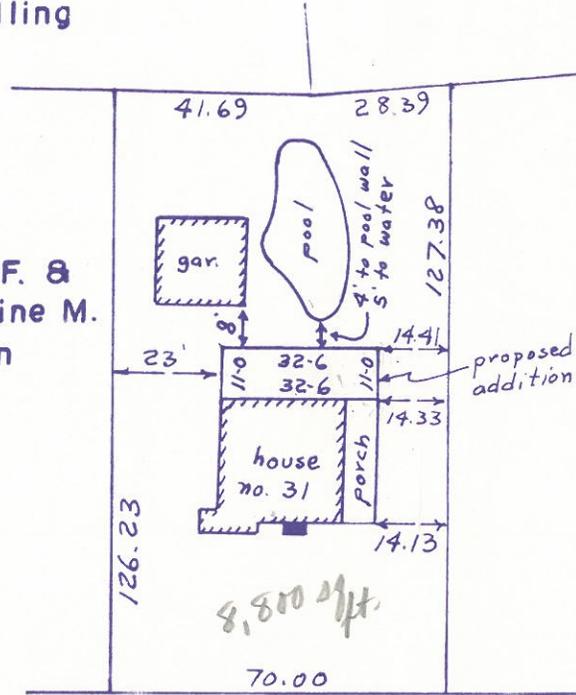


Richard A. & Grace E. Pulling

David R. Pulling

George F. & Jacqueline M. Carolan

Peter J. & Joan M. Allegrini



CAVANAUGH ROAD



John J. Regan

PLAN OF LAND IN

WELLESLEY MASS.

TO ACCOMPANY THE PETITION OF
STEPHEN M. & JANICE M. G. MAHONEY
31 CAVANAUGH ROAD
WELLESLEY

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MASS.

JUN 20 9 56 AM '84

SCALE 1 IN = 40 FT
APEX ASSOCIATES
NEWTON HIGHLANDS

APRIL 27, 1984
LAND SURVEYORS
MASS.