



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman
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84-68

Petition of Stephen and Janice Mahoney
31 Cavanagh Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the Upper Town Hall Main Hearing Room on Thursday, December 6, 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 an addition at 31 CAVANAGH ROAD approximately 1.5 feet by 32.5 feet leaving less than the required right side yard. Said dwelling is a non-conforming dwelling. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On November 15, 1984, the petitioner requested 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 Stephen Mahoney, who stated that he wishes to extend the variance granted in August, 1984 by one and a half feet to create a room 32.5 feet by 12.5 feet.

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

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 side yard of 14.13 feet.

A variance was granted by the Zoning Board of Appeals on August 7, 1984 for an 11 by 32.6 foot addition, consisting of a family room and bath, at the rear of the dwelling, which continued the existing lines of the house and would not encroach any further on the right side line.

The petitioner has not started any construction but is now requesting a variance to allow an addition of 1.5 feet by 32.5 feet, leaving a right side yard of 14.42 feet. This would extend the previous addition described in ZBA Case #84-33 by 1.5 feet. 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 that the dwelling is now a non-conforming structure.

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APR 10 1985

A Plot Plan was submitted, drawn by John J. Regan, Registered Land Surveyor, of Apex Associates, Newton Highlands, dated October 20, 1984. Construction sketches and photos were also submitted.

The Planning Board, at its regular meeting of November 27, 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 dated November 7, 1984 stating no objection to the request.

Decision

This Authority has made a careful study of the evidence submitted. The particular house in question in 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. This Authority granted a variance on August 7, 1984 (ZBA Case #84-33) and understands that the petitioner wishes to extend that variance by 1.5 feet.

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

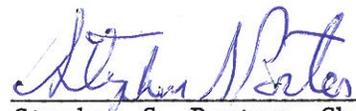
It is the unanimous decision of this Authority that, because of the shape of the lot, a literal enforcement of the provisions of Section XIX of the Zoning Bylaw would involve a substantial hardship to the petitioner. It is the further opinion of this Authority that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

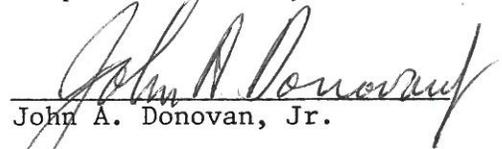
Therefore, the requested variance is granted to construct the addition approximately 1.5 feet by 32.5 feet, as shown on a plot plan drawn by John J. Regan of Apex Associates, dated October 20, 1984, coming no closer than 14.42 feet from the right side line.

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.

CC: Planning Board
mam


Stephen S. Porter, Chairman


John A. Donovan, Jr.


William E. Polletta

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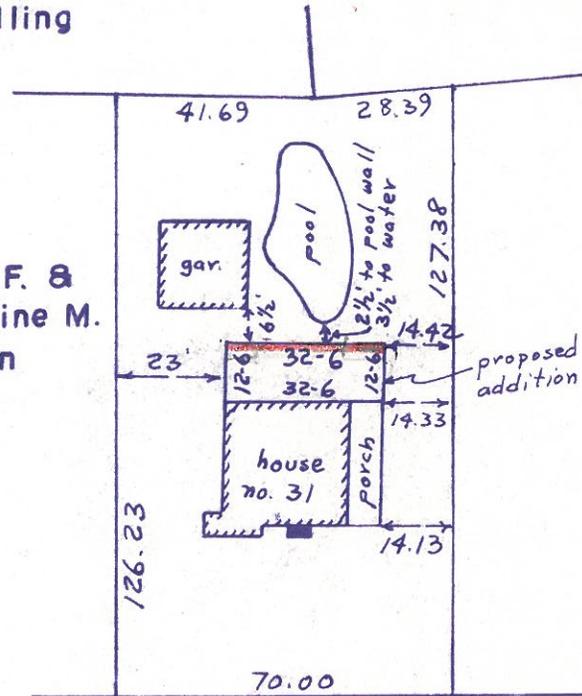


Richard A. & Grace E.
Pulling

David R. Pulling

George F. &
Jacqueline M.
Carolan

Peter J. &
Joan M.
Allegrini



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NOV 15 2 33 PM '84

VARIANCE
REQUEST (11/84)
1'6" X 32'6"
mam

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

SCALE 1 IN = 40 FT
APEX ASSOCIATES
NEWTON HIGHLANDS

OCT. 20, 1984
LAND SURVEYORS
MASS.