



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

STEPHEN S. PORTER, Chairman  
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ZBA 87-5

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

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Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, January 8, 1987 at 8 p.m. in the Great Hall of the Town Hall (Conference Room E) at 525 Washington Street, Wellesley 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 Bylaw to allow the construction of an addition approximately 8 feet by 20 feet at the rear of their non-conforming dwelling at 29 CAVANAGH ROAD, leaving less than the required right (southerly) side yard.

On December 19, 1987, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Walter Keating, who showed sketches of the addition and explained the request. A variance has recently been granted for an addition and they decided to make the addition larger than originally planned.

No others were present at the hearing favoring or opposing 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 were granted a variance on August 28, 1986 (ZBA 86-46) to construct a 9 foot by 12 foot room at the rear of their dwelling, leaving a right side yard of 10.3 feet. They now wish to increase the size of the addition and are seeking a variance to allow a new one-story addition at the rear of the dwelling, said addition approximately 8 feet by 22 feet, leaving a right side yard of 10.3 feet.

A Plot Plan was submitted, drawn by Joseph T. McLaughlin, Registered Land Surveyor, of Nelson & McLaughlin, 180 Summer St., Framingham, Ma. , dated June 26, 1986, revised 12/16/86. Construction plans were submitted by RAS Industries Corp., Burlington, Ma. dated December 2, 1986. Photos were also submitted.

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The Planning Board reviewed the plans at a regular meeting on January 6, 1987 and, in a letter of January 8, stated it had voted to offer no objection to the request.

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. This Board granted a variance on August 28, 1986 (ZBA 86-46) to construct a 9 by 12 foot addition at the rear of the dwelling.

It is the opinion of this Authority that the now 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 now granted to construct a one-story addition at 29 Cavanagh Road, said addition approximately 8 feet by 22 feet, as shown on the Plot Plan drawn by Joseph T. McLaughlin, Registered Land Surveyor, dated June 23, 1986, revised 12/16/86, coming no closer than 10.3 feet from the right (southerly) side lot line.

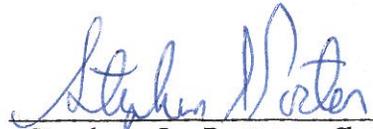
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and construction plans.

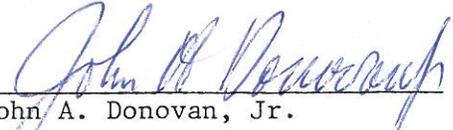
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing.

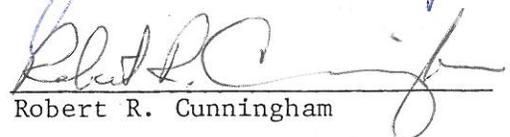
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN  
THE OFFICE OF THE TOWN CLERK.

cc: Planning Board  
Inspector of Buildings

mam

  
Stephen S. Porter, Chairman

  
John A. Donovan, Jr.

  
Robert R. Cunningham

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WILLETSLEY MASS.  
FEB 2 9 49 AM '87

CAVANAUGH

RD.

215 FT. TO PINE PLAIN RD.

60.00

32'

28'

10.3'

chim

25.0

4.0

10.3

conc. Step.

12.3

No. 29

28.4

10.3'

9.1

12.1

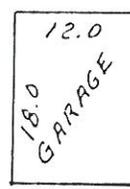
26.3

8'-0"

PROPOSED ADDITION

132 ±

127.35



LOT 25

7,780 ±

60.18



*Joseph T. McLaughlin*

RECEIVED  
CLERK'S OFFICE  
WELLESLEY, MASS.  
DEC 19 1 26 PM '86

REVISED 12/16/86 TO SHOW ENLARGED ADDITION  
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.