


 ZONING BOARD OF APPEALS
 TOWN HALL WELLESLEY, MA 02181

May 9 9 01 AM '89

 JOHN A. DONOVAN, JR., Chairman
 ROBERT R. CUNNINGHAM
 KENDALL P. BATES

 ELLEN D. GORDON
 Executive Secretary
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 431-1019

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 SUMNER H. BABCOCK

 ZBA 89-20
 Petition of Dennis and Catherine Duckett
 2 Cavanagh Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, April 27, 1989 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 DENNIS AND CATHERINE DUCKETT, requesting a variance from the terms of Section XIX and pursuant to Section XXIV-D of the Zoning Bylaw to allow construction of a one-story addition approximately 40 feet 2 inches by 16 feet at their non-conforming dwelling at 2 CAVANAGH ROAD, in a Single Residence District, with less than the required right side yard; and to raise the ridge line of the roof of the non-conforming garage approximately 1 and 1/2 feet to accommodate the roof construction over the proposed addition.

On April 10, 1989, the petitioners requested 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 Dennis Duckett, who was accompanied by his wife, Catherine. Mr. Duckett said that they wished to extend the kitchen and lavatory, and to build a family room and storage area. He said that if the addition were to end at the family room, it would be necessary to construct a double roof over the garage and the addition. The additional encroachment will be 2 inches.

No other persons present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 2 Cavanagh Road, in a Single Residence District, on a 15,116 square foot lot, with a minimum right side yard clearance of 11.7 feet.

The petitioners are requesting a variance to construct a one-story addition approximately 40 feet 2 inches by 16 feet, leaving a minimum right side yard clearance of 11.5 feet, and to raise the ridge line of the roof over the non-conforming garage approximately 1 and 1/2 feet to accommodate the roof construction over the proposed addition. The garage is non-conforming in that it is 11.7 feet from the right side lot line.

A Plot Plan, dated March 31, 1989, drawn by John P. Hurney, Registered Land Surveyor; unsigned and undated construction drawings and elevations; and photographs were submitted.

The Planning Board, on April 24, 1989, voted to oppose the granting of the variance request.

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Decision

This Authority has made a careful study of the evidence proposed. The subject house does not conform to the present Zoning Bylaws as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed one-story addition conforms to the present lines of the house and the encroachment of the proposed addition of 2 inches on the right side yard is de minimus and can be allowed.

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 petitioners and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

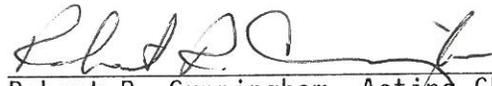
Therefore, the requested variance is granted to construct the one-story addition and to raise the ridge line over the garage roof approximately 1 and 1/2 feet in accordance with the plot plan and construction plans as submitted and described in the foregoing Statement of Facts; said addition coming no closer than 11.5 feet from the right 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 pursuant to Section XXIV-D of the Zoning Bylaw.

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
edg

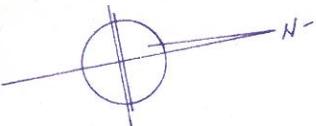

Robert R. Cunningham, Acting Chairman


Kendall P. Bates


William E. Polletta

LOT DESIGNATIONS REFER TO
 BOOK 2105 PAGE 477
 2818 302
 RECORDED:
 NORFOLK REGISTRY OF DEEDS
 J.E. CARTER & A.M. HOWARD

E.M. PIPES



LEWIS B. & LESLIE M. HOLMES

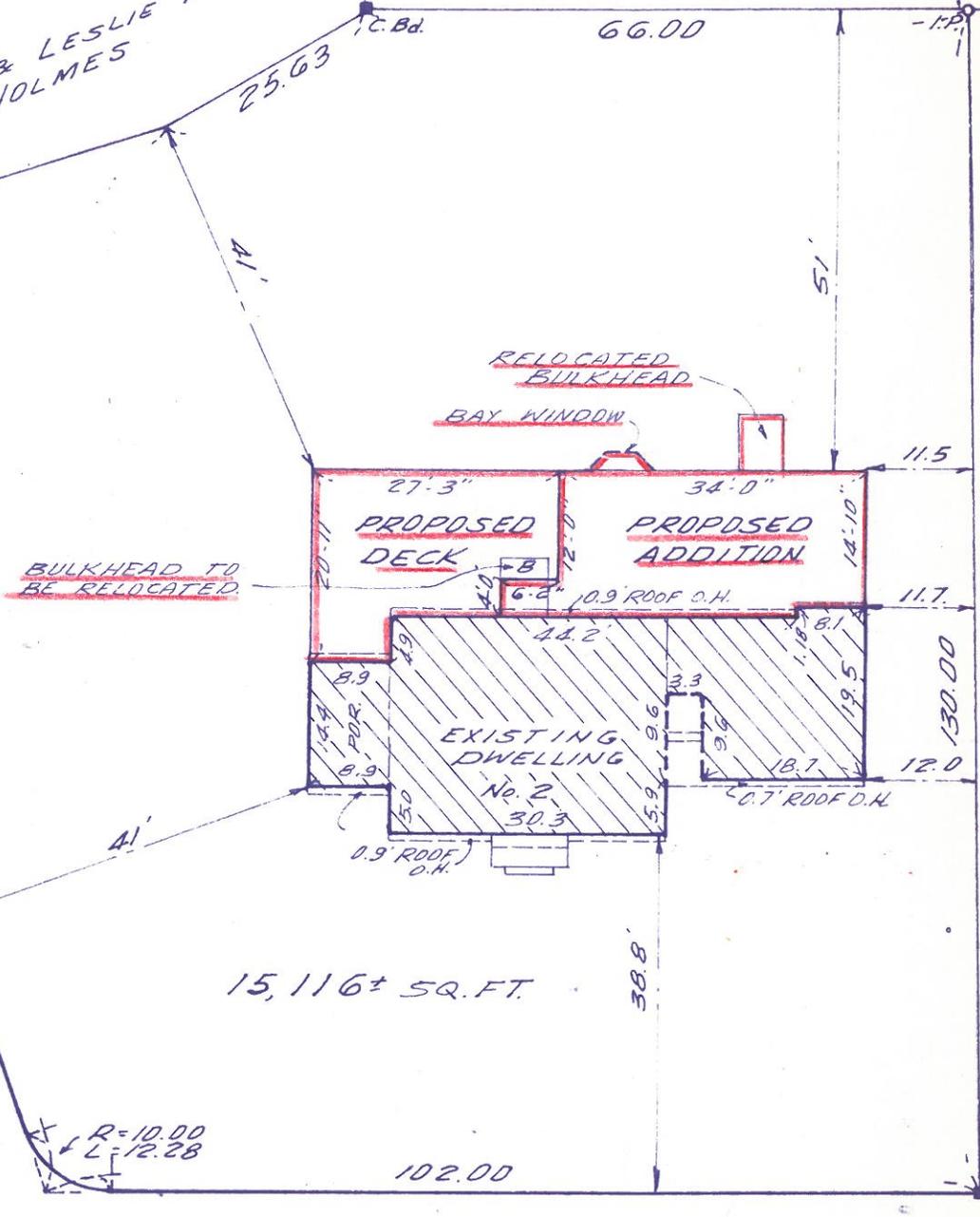
ELMWOOD ROAD

ROAD

CAVANAGH ROAD

ROAD

ROGER W. & JEAN H. KEITH



15,116± SQ. FT.

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I CERTIFY THAT THIS BUILDING IS LOCATED AS SHOWN.



John P. Durney
 REGISTERED LAND SURVEYOR #8743

PLOT PLAN OF PROPERTY IN
WELLESLEY, MASS.

BELONGING TO
 DENNIS J. & CATHERINE M. DUCKETT

SCALE: 1 IN. = 20 FT.

MARCH 31, 1989

BARNES ENGINEERING COMPANY, INC.
 411 LEXINGTON STREET
 AUBURNO DALE - MASS.

16079
 58616