



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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

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ZBA 90-55
Petition of Donald Bailey
25 Cavanagh Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, June 28, 1990 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley on the petition of DONALD BAILEY requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow removal of an existing porch and construction of a one-story addition, approximately 15.5 feet by 26.4 feet, at his non-conforming dwelling at 25 CAVANAGH ROAD, in a Single Residence District, with less than the required right side yard and less than the required front setback.

On June 11, 1990, the petitioner 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 Donald Bailey, who was accompanied by his architect, Kevin Gordon of Design West. Mr. Gordon said that they planned to tear down the existing porch due to rot, extend it to the front line of the house, and use the space for a first floor lavatory and a washroom.

No other person present had any comment on the petition.

Statement of Facts

The non-conforming dwelling is located at 25 Cavanagh Road, in a Single Residence District, on a 8,050 square foot lot with a minimum left side yard clearance of 9 feet, a minimum right side yard clearance of 11.1 feet, and a minimum front yard setback of 29.2 feet.

The petitioner is requesting a variance to remove an existing porch along the right side of the dwelling and construct a one-story addition, approximately 15.5 feet by 26.4 feet which would have a minimum front yard setback of 29.2 feet and a minimum right side yard clearance of 11.2 feet at the front corner, 11.1 feet at the center, and 11.3 feet at the rear corner of the addition. The addition would extend around the right rear corner of the dwelling.

A Plot Plan dated May 25, 1990, drawn by Philip D. Lukens, Registered Land Surveyor; construction drawings and elevations drawn by Design West; and photographs were submitted.

A letter in support of the petition was received from Harry Heermans and Eileen Hardy, 21 Cavanagh Road.

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The Planning Board, on June 19, 1990, voted to oppose the granting of the variance as it would substantially increase the encroachment in the required side yard area.

Decision

This Authority has made a careful study of the evidence presented. 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 does not alter the relationship of the house to either the front or right side lot lines.

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 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 remove the existing porch and build the one-story addition subject to construction in accordance with the Plot Plan and construction drawings noted in the foregoing Statement of Facts.

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.

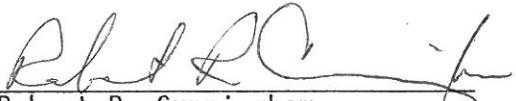
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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


John A. Donovan, Jr., Chairman


Kendall P. Bates

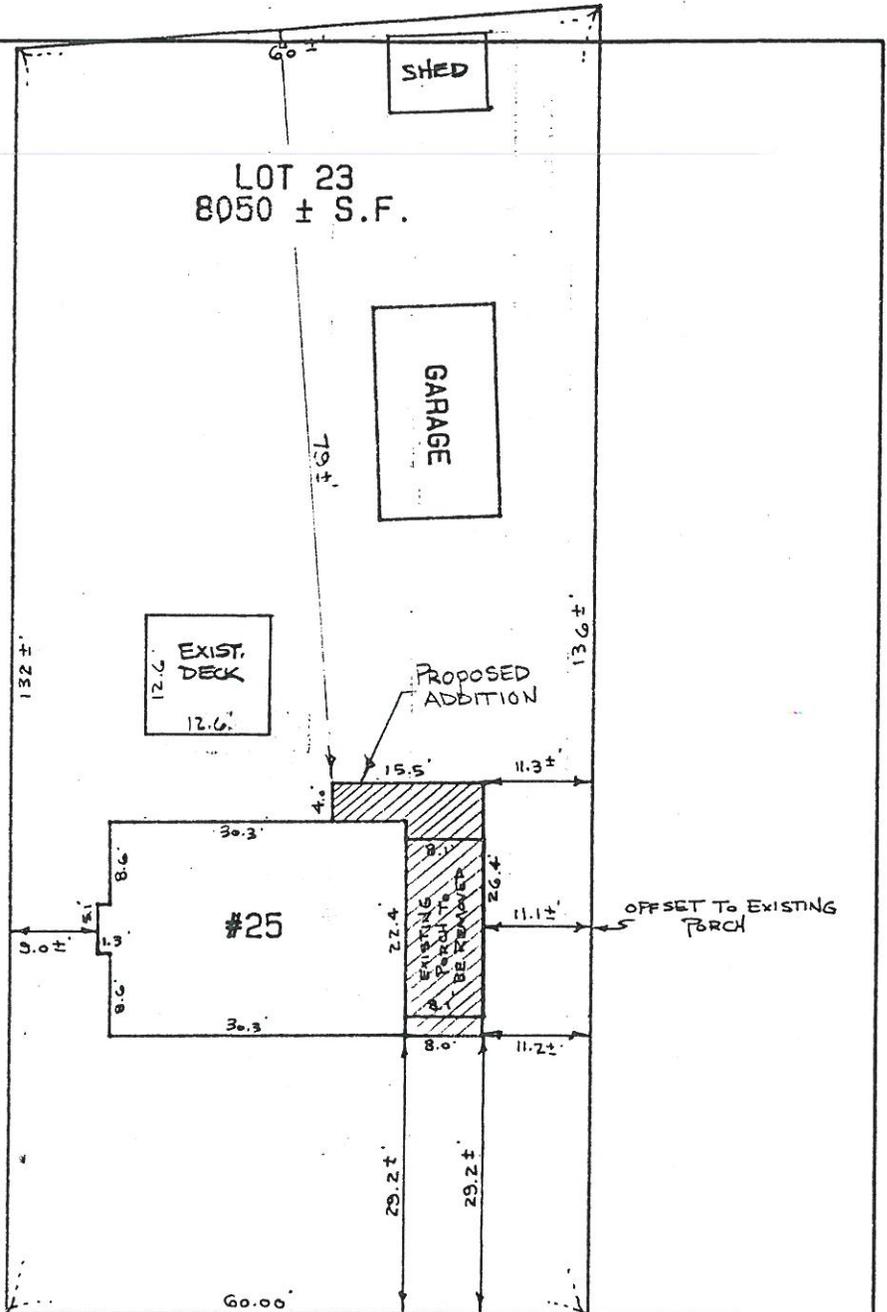

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EXISTING LOT COVERAGE : 16.2%
PROPOSED LOT COVERAGE : 17.3%



CAVANAUGH ROAD

I CERTIFY THAT THE BUILDINGS ON THIS PROPERTY ARE LOCATED AS SHOWN ABOVE

AND IS NOT LOCATED IN A FEDERALLY DESIGNATED FLOOD HAZARD AREA.



REGISTERED LAND SURVEYOR

5-25-90

DATE

PLOT PLAN OF LAND
IN

WELLESLEY

MASS.

SCALE: 1" = 20' MAY 25, 1990

GLM ENGINEERING CONSULTANTS, INC.
1750 WASHINGTON STREET
HOLLISTON, MASS 429-1100

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