



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JUL 7 8 35 AM '92

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

ELLEN D. GORDON
Executive Secretary
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ZBA 92-32

Petition of Thomas J. and Diane D. Hollister
17 Cavanagh Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, June 25, 1992 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 THOMAS J. and DIANE D. HOLLISTER requesting two variances from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of the following at their nonconforming property with less than the required right side setback at 17 CAVANAGH ROAD, in a Single Residence District:

A. Construction of a two-story addition approximately 27 feet by 25 feet at the left side and rear of their nonconforming dwelling. Said addition would have less than the required left side yard.

B. Construction of a carport type extension of the garage roof approximately 9.5 feet on an existing nonconforming detached garage with less than the required right side yard.

On June 8, 1992, the petitioners filed a request for 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 Tom Hollister, who was accompanied by his wife, Diane, and their architect, John Chapman. Mr. Hollister stated that the addition was requested as the family has need of additional living space.

Mr. Hollister explained that he would like to add the garage overhang to protect the cars. The present garage is very narrow. The Board stated that it tends to be very negative about petitions requesting encroachments on a side yard.

The Board suggested demolition of the garage and construction of a large conforming garage at the rear of the property. The Board further noted that while the addition to the house involved no further encroachment, the garage addition would be a major encroachment, and that the Board had previously denied petitions requesting similar substantial encroachments.

No other persons present had any comment on the petition.

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Statement of Facts

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The subject property is located at 17 Cavanagh Road on a 10,160 square foot lot in a Single Residence District. A nonconforming two-story dwelling exists on the property with a minimum left side yard clearance of 10.3 feet. A nonconforming garage with a minimum right side yard clearance of 10.3 feet also exists on the property.

The petitioners are requesting variances to construct a two-story addition, approximately 27 feet by 25 feet at the rear of their nonconforming dwelling, which would have a minimum left side yard clearance of 10.8 feet; and a variance to extend the garage roof approximately 9.5 feet which would leave a minimum right side yard clearance of 1.3 feet.

A Plot Plan dated June 2, 1992, drawn by Robert F. Drake, Professional Land Surveyor; construction drawings and elevations dated June 3, 1992, drawn by John Chapman; and photographs were submitted.

On June 16, 1992, the Planning Board reviewed the petition and voted to strongly recommend that both variances be denied.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The locations of both the dwelling and the garage do not conform to the current Zoning Bylaws as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the proposed two-story addition conforms to the present lines of the house, and, in fact, will be less of an encroachment on the left side lot line than the existing nonconforming dwelling.

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 subject to construction in conformance with the plot plan and construction drawings as noted in the foregoing Statement of Facts.

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

If the rights authorized by a variance are not exercised within one year of the date of grant of said 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.

In regard to the variance requested to extend the garage roof approximately 9.5 feet to within 1.3 feet of the right side lot line, this Authority is of the opinion that said extension would be a substantial encroachment upon the right side lot line, would be detrimental to the neighborhood, and would violate the precedent set by past decisions in similar petitions.

It is the unanimous decision of this Authority that the variance requesting the extension of the garage roof be denied and this portion of the petition dismissed.

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

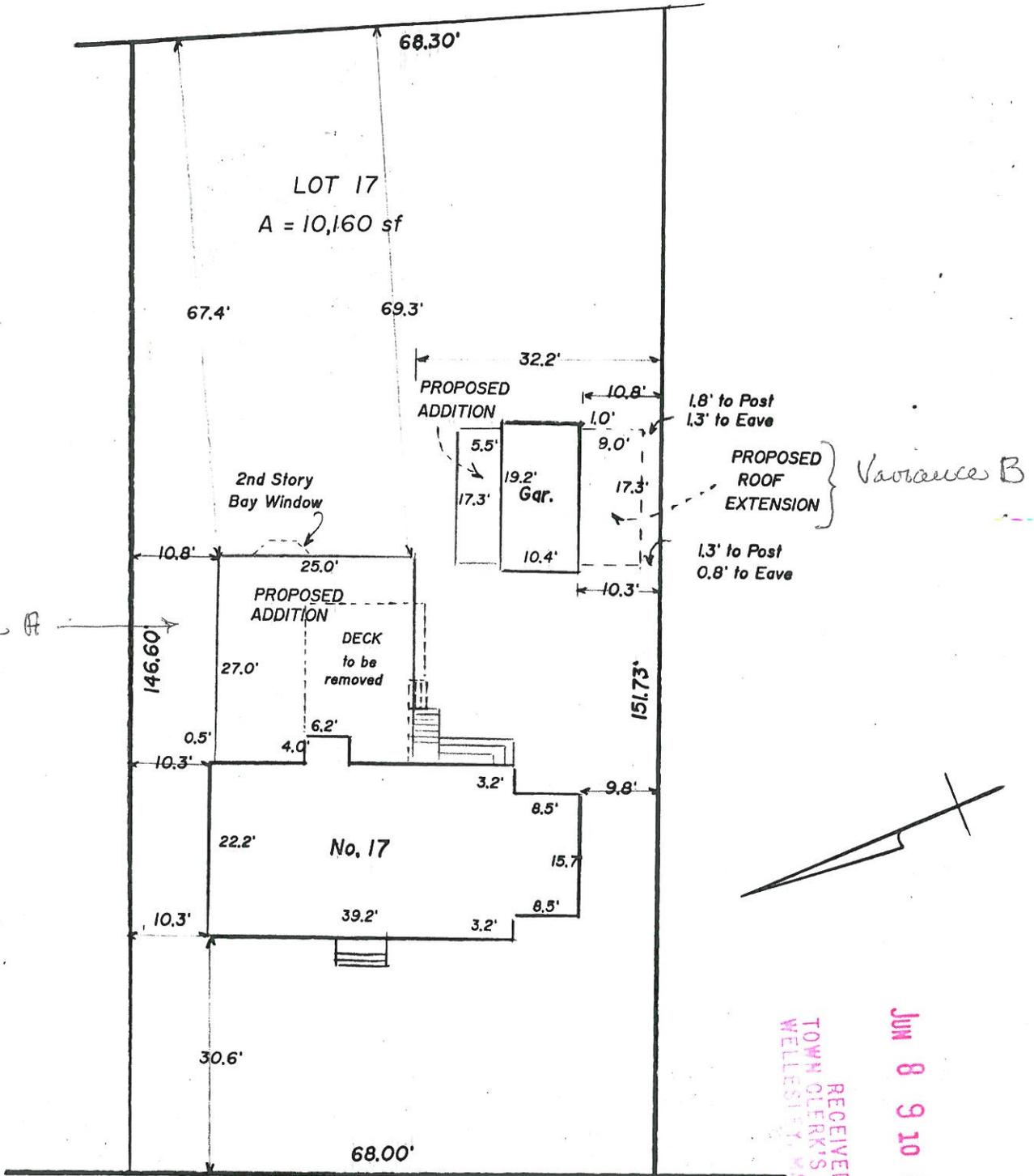
Kendall P. Bates
Kendall P. Bates, Acting Chairman

Franklin P. Parker
Franklin P. Parker

William E. Polletta
William E. Polletta

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NOTE ALL OFFSETS ARE TO THE CORNERBOARDS OF THE EXISTING AND PROPOSED STRUCTURES



CAVANAUGH ROAD

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CERTIFY THAT THE STRUCTURES SHOWN ON THIS PLAN ARE LOCATED ON THE GROUND AS SHOWN HEREON.

ROBERT F. DRAKE PLS



PLOT PLAN
IN

WELLESLEY, MASS.

SCALE 1" = 20' JUNE 2, 1992

DRAKE ASSOCIATES INC.
770 GROVE STREET FRAMINGHAM MASS
CIVIL ENGINEERS LAND SURVEYORS