



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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ZBA 93-38

Petition of J. Andrew Stoeckle and Rebecca H. Jackson
26 Cavanagh Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 20, 1993 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 J. ANDREW STOECKLE AND REBECCA H. JACKSON requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw to allow construction of a one-story addition approximately 8 feet by 10.5 feet at the left rear corner of their nonconforming dwelling at 26 CAVANAGH ROAD, in a Single Residence District. Said addition will have less than the required left side yard setback.

On May 3, 1993, the petitioners 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 Andrew Stoeckle, who said that the addition was simply an extension of the existing house along the nonconforming side.

No other person present had any comment on the petition.

Statement of Facts

The nonconforming dwelling is located at 26 Cavanagh Road, in a Single Residence District, on an 8,450 square foot lot, with a minimum right side yard clearance of 13.6 feet and a minimum left side yard clearance of 12.9 feet.

The petitioners are requesting a variance to allow construction of a one-story addition approximately 8 feet by 10.5 feet which will have a minimum left side yard clearance of 13.1 feet at the left rear corner.

A Plot Plan dated April 27, 1993, drawn by Robert F. Drake, Registered Professional Land Surveyor; floor plans and elevation sketches; and photographs were submitted.

On May 11, 1993, the Planning Board reviewed the petition and voted to offer no objection to the granting of the variance.

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Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject dwelling does 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 one-story addition conforms to the existing lines of the house and does not alter the relationship of the house to the left side lot line.

It is the opinion of this Authority that due to 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.

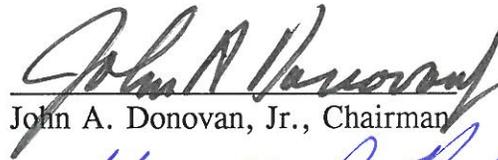
Therefore, the requested variance is granted to construct a one-story addition subject to construction in accordance with the plot plan and construction sketches as submitted.

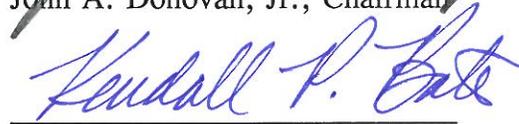
The Inspector of Buildings is hereby authorized to issue a permit for the construction upon his receipt and approval of a building application and detailed construction plans.

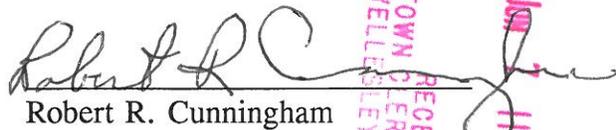
If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

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.

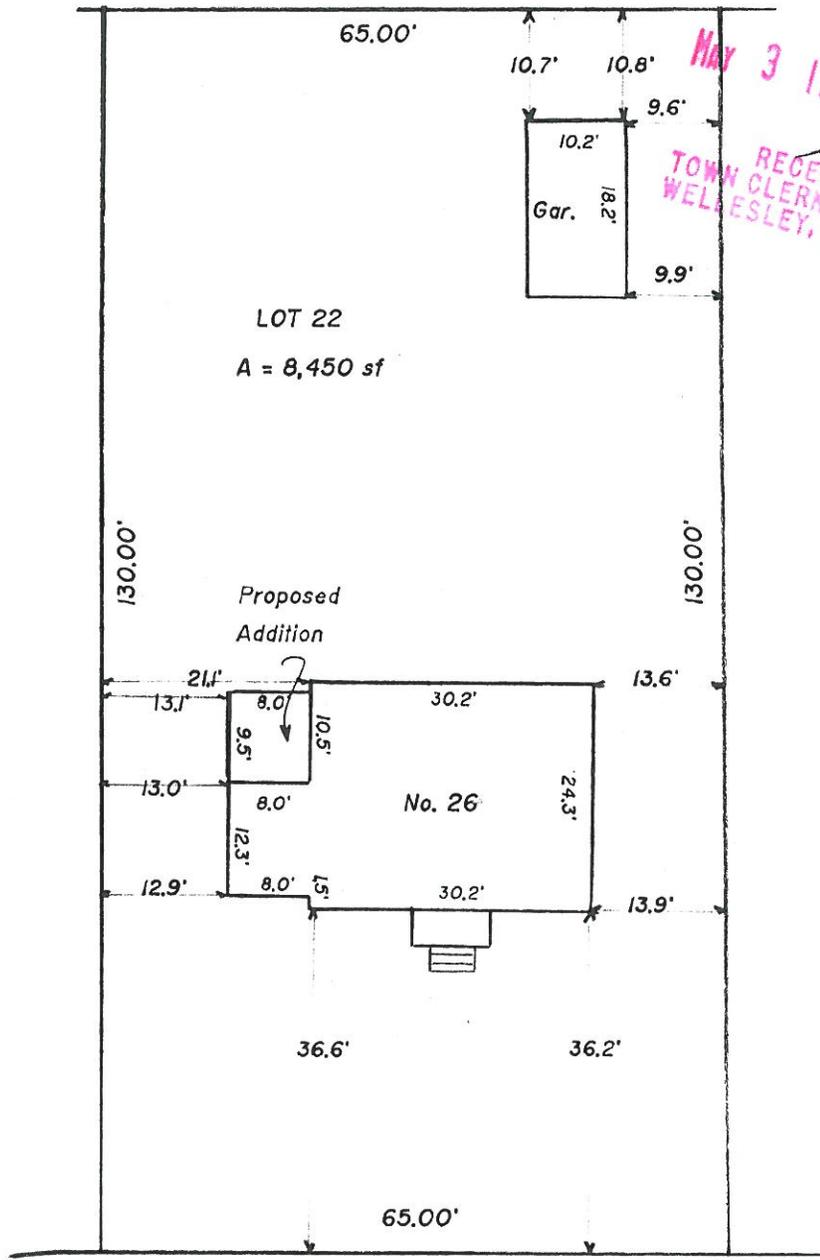
cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


Robert R. Cunningham

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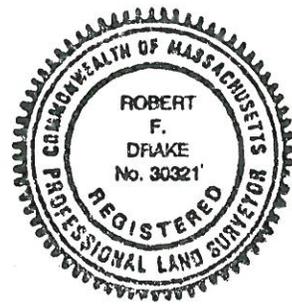
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CAVANAGH ROAD

I CERTIFY THAT THE LOT AND BUILDINGS ARE LOCATED ON THE GROUND AS SHOWN HEREON.

[Handwritten Signature]

DATE APRIL 27, 1993



PLOT PLAN
 IN

WELLESLEY, MASS.

SCALE 1" = 20' APRIL 27, 1993

Drake Associates Inc.

770 GROVE STREET FRAMINGHAM MASS.
 CIVIL ENGINEERS LAND SURVEYORS