



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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ZBA 95-41  
Petition of Bette E. Crowell  
20 Cavanagh Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, May 25, 1995 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 BETTE E. CROWELL requesting a variance from the terms of Section XIX and pursuant to the provisions of Section XXIV-D of the Zoning Bylaw for the following additions to her nonconforming dwelling with less than the required left side yard setback at 20 CAVANAGH ROAD, in a Single Residence District:

1. A one-story addition approximately 12 feet by 15 feet at the rear of the dwelling which will have less than the required left side yard setback.
2. A roofed open porch approximately 19.3 feet by 8 feet at the front of the dwelling which will have less than the required front setback from Cavanagh Road.

On May 8, 1995, the petitioner 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 Bette Crowell, who was accompanied by her builder, Guy Keenan.

The Board noted that the Planning Board had reviewed the petition, and had offered no objection to the addition at the rear, but did object to the granting of a variance for the front porch, as it would set an undesirable precedent. The Board stated that the site had been visited, and that the construction of the porch would bring the house much closer to the street than any of the other neighboring homes.

Ms. Crowell said that all the neighbors had supported the petition. The Board responded that it would not like to set a precedent of this type in which a conforming front setback is allowed to become nonconforming. The Board has never allowed an encroachment of 4 feet. The precedent set would apply not only to the homes on Cavanagh Road, but to homes throughout the town.

No other person present had any comment on the petition.

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JUN 7 2 16 PM '95

Statement of Facts

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The subject nonconforming dwelling is located at 20 Cavanagh Road, on a 9,100 square foot lot, in a Single Residence District, and has a minimum left side yard clearance of 14.91 feet.

The petitioner is requesting a variance to construct a one-story addition approximately 12 feet by 15 feet at the left rear corner of the dwelling, which would have a minimum left side yard clearance of 14.92 feet. A variance is also requested to construct a roofed front porch approximately 8 feet by 19.3 feet, which would have a minimum front yard setback of 28.06 feet. The existing house conforms to the required 30 foot front setback, as it has a clearance of 32.48 feet.

A Plot Plan dated April 13, 1995, drawn by Verne T. Porter, Jr., Professional Land Surveyor; Floor Plans and Elevations dated May 1, 1995, drawn by Sean Keenan; and photographs were submitted.

On May 16, 1995, the Planning Board reviewed the petition and voted to offer no objection to the side variance, but felt that the granting of the front variance would set an undesirable precedent.

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 Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that the one-story addition approximately 12 feet by 15 feet at the left rear corner of the dwelling conforms to the current 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 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 would involve a substantial hardship to the petitioner, and that desirable relief may be granted to construct the proposed one-story addition without substantially derogating from the intent or purpose of the Zoning Bylaw.

In regard to the request for a variance to construct the roofed front porch, it is the opinion of this Authority that the proposed porch does not conform to the current lines of the house, and drastically alters the relationship of the house to the front lot line.

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It is the opinion of this Authority that "substantial hardship" within the meaning of Section XXIV-D of the Zoning Bylaw has not been demonstrated; and furthermore, that desirable relief could not be granted to construct the proposed front porch without substantial detriment to the public good, as such a grant would substantially derogate from the intent and purpose of the Zoning Bylaw in setting the undesirable precedent of allowing a conforming setback to become nonconforming.

Therefore, the requested variance for the construction of the roofed front porch is denied, and this portion of the petition is dismissed.

The requested variance is granted to construct the 12 foot by 15 foot one-story addition subject to construction in accordance with the submitted plot plan and construction sketches, and subject further to the following condition:

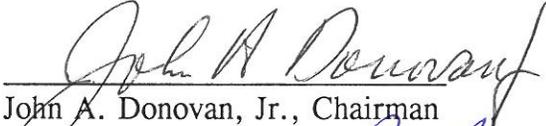
1. Prior to the issuance of any building permit, a revised plot plan showing the elimination of the proposed 19.3 foot by 8 foot front porch must be submitted to the office of the Board of Appeals.

Subsequent to compliance with Condition 1, 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.

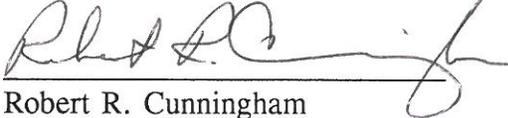
If the rights authorized by the applicable portion of this variance are not exercised within one year of the date of grant of said variance, they shall lapse, and may be re-established only after notice and a new hearing pursuant to Section XXIV-D of the Zoning Bylaw.

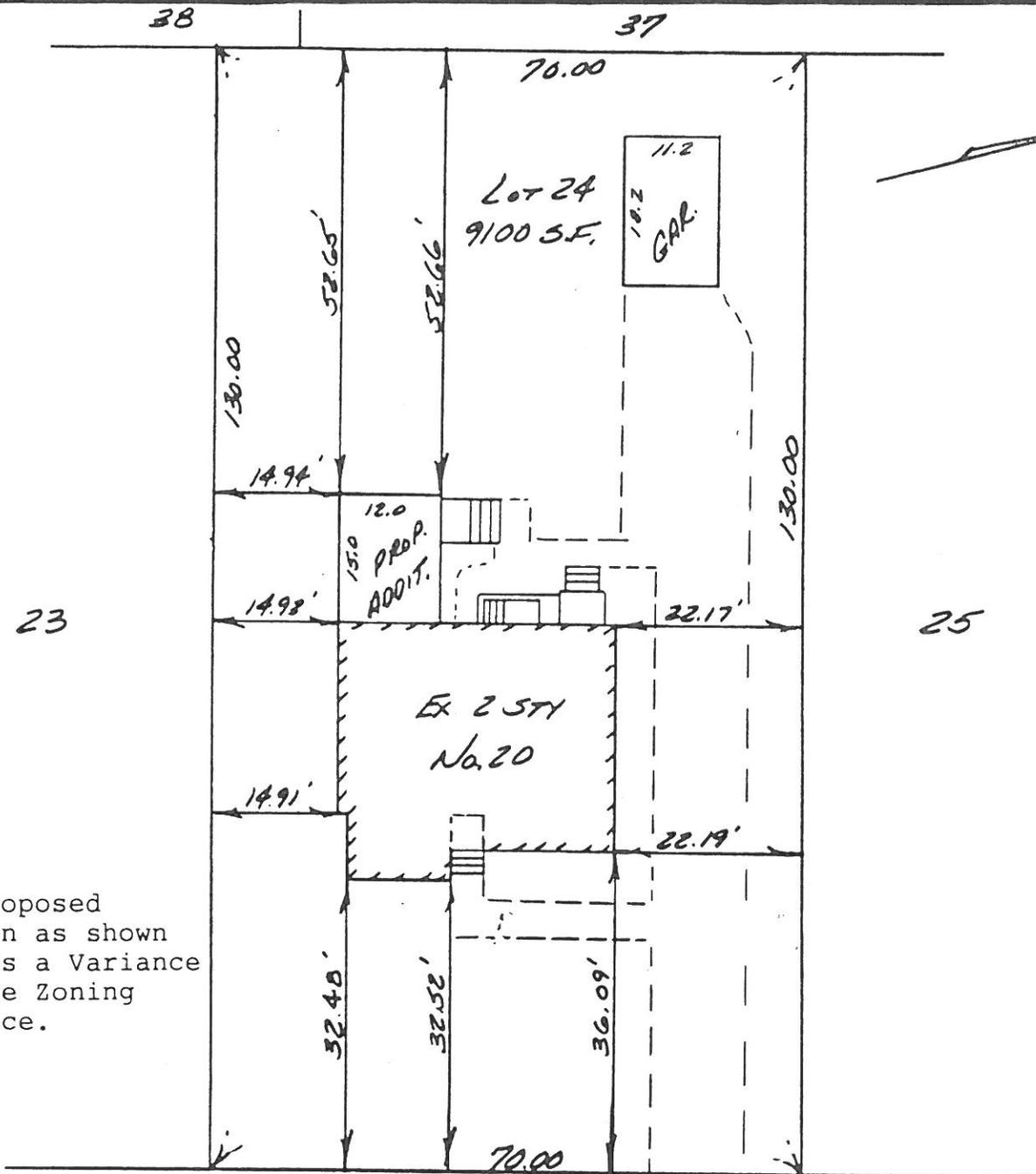
APPEALS FROM THIS DECISION,  
IF ANY, SHALL BE MADE PURSUANT  
TO GENERAL LAWS, CHAPTER 40A,  
SECTION 17, AND SHALL BE FILED  
WITHIN 20 DAYS AFTER THE DATE  
OF FILING OF THIS DECISION IN  
THE OFFICE OF THE TOWN CLERK.

cc: Planning Board  
Inspector of Buildings  
edg

  
John A. Donovan, Jr., Chairman

  
Kendall P. Bates

  
Robert R. Cunningham



\*Note: Proposed Addition as shown requires a Variance from the Zoning Ordinance.

REVISED: 6-19-95 CAVANAUGH ROAD

### PLOT PLAN

SCALE: 1 IN. = 20 FT.      DATE: 4-13-95      PLAN REFERENCE: BEING LOT 24 ON A PLAN BY  
RD. RAISTBAD      DATED SEPT 14, 1928      RECORDED IN NORFOLK  
 REGISTRY OF DEEDS      BOOK 1815      PAGE 477

I HEREBY CERTIFY THAT THE BUILDING SHOWN ON THIS PLAN IS LOCATED ON THE GROUND AS SHOWN, AND CONFORMS TO THE ZONING LAWS OF THE TOWN OF WELLESLEY \*

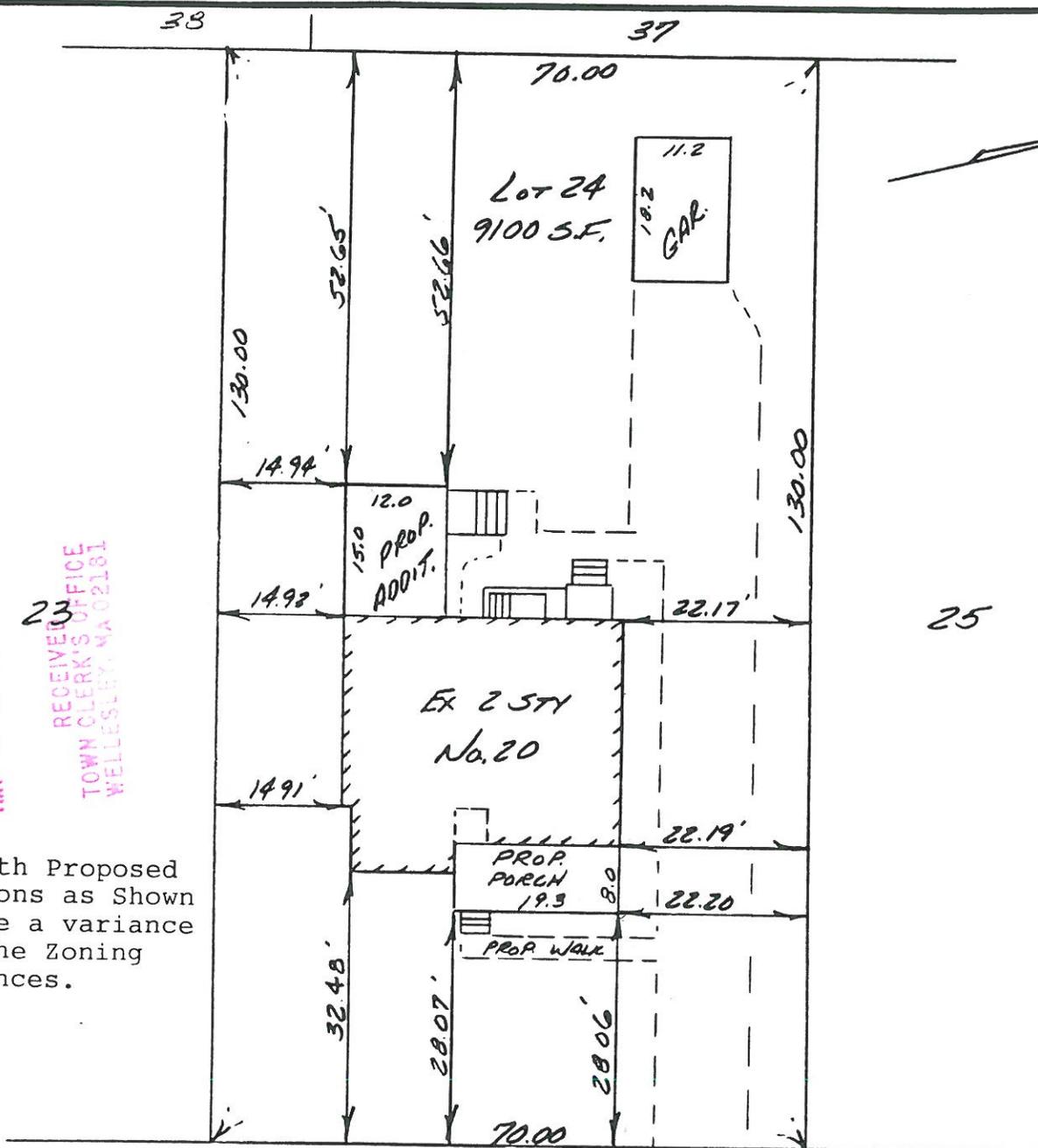
I CERTIFY THAT THIS LOCUS DOES NOT LIE WITHIN THE FLOOD HAZARD ZONE AS DELINIATED ON MAP 0005B COMMUNITY 250255-0005B

20 CAVANAUGH RD.  
 VERNE T. PORTER, Jr. PLS  
 154 NEEDHAM ST. SUITE 1  
 NEWTON, MA. 02161  
 NEWTON (617) 964-7170  
 NATICK (508) 651-2205



THIS PLAN MADE FROM AN INSTRUMENT SURVEY.

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Note: Both Proposed Additions as Shown Require a variance from the Zoning Ordinances.

CAVANAUGH ROAD

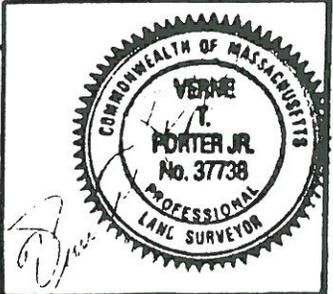
**PLOT PLAN**

SCALE: 1 IN. = 20 FT. DATE: 4-13-95 PLAN REFERENCE: BEING LOT 24 ON A PLAN BY  
 RA. RAISTERAU DATED SEPT 19, 1928 RECORDED IN NORFOLK  
 REGISTRY OF DEEDS BOOK 1815 PAGE 477

I HEREBY CERTIFY THAT THE BUILDING SHOWN ON THIS PLAN IS LOCATED ON THE GROUND AS SHOWN. AND CONFORMS TO THE ZONING LAWS OF THE TOWN OF WELLESLEY \*

I CERTIFY THAT THIS LOCUS DOES NOT LIE WITHIN THE FLOOD HAZARD ZONE AS DELINIATED ON MAP 0005 B COMMUNITY 250255 0005 B

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