



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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

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WILLIAM E. POLLETTA
FRANKLIN P. PARKER
SUMNER H. BABCOCK

ZBA 92-19
Petition of Frank J. and Catherine N. McGrath
12 Cavanagh Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, March 19, 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 FRANK J. AND CATHERINE N. McGRATH 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 12 feet by 34 feet 8 inches with less than the required left side yard at their nonconforming dwelling with less than the required left side yard at 12 CAVANAGH ROAD, in a Single Residence District.

On March 2, 1992, 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 were Frank and Catherine McGrath. Mr. McGrath said that they were requesting the variance as the left side of the dwelling and the proposed construction were about 4 inches less than the required 20 foot side yard setback.

No other person present had any comment on the petition.

Statement of Fact

The nonconforming dwelling, with a minimum left side yard clearance of 19.6 feet, is located at 12 Cavanagh Road, in a Single Residence District, on a 9,750 square foot lot.

The petitioners are requesting a variance to construct a one-story addition approximately 12 feet by 34 feet 8 inches at the rear of their dwelling. Said addition would also have a minimum left side yard clearance of 19.6 feet.

A Plot Plan dated February 19, 1992, drawn by John J. Caffrey, Registered Professional Land Surveyor; construction drawings and elevations dated February 25, 1992, drawn by Neighborhood Construction Corp.; and photographs were submitted.

On March 10, 1992, the Planning Board reviewed the petition and voted to recommend that the variance be denied, noting that a slight modification of the proposal would bring it into conformance with the required side yard setback.

Decision

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

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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 the left side lot line. It is the opinion of this Authority that the encroachment of .4 feet of the proposed addition is de minimus and can be allowed.

It is the further 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 accordance with the Plot Plan and construction drawings as submitted and 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 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

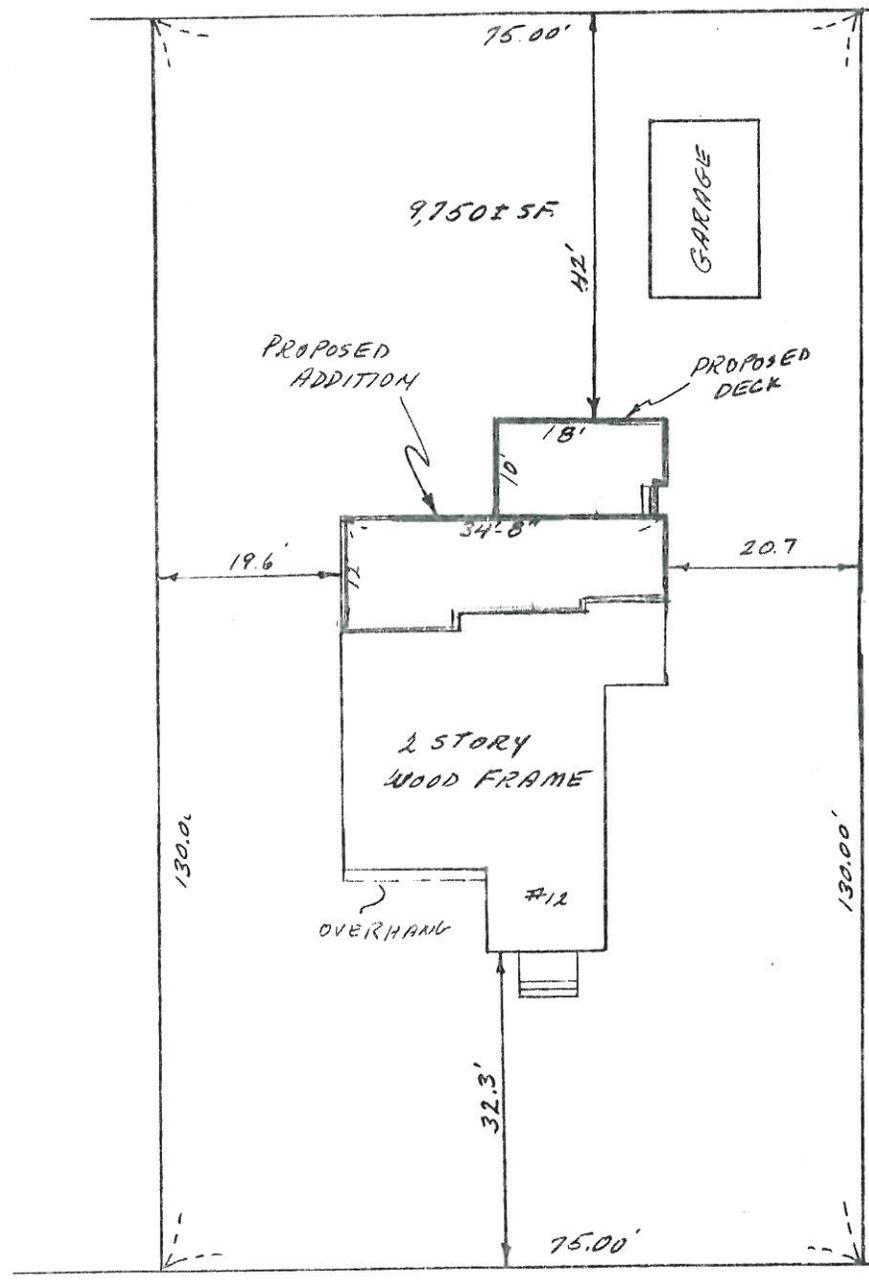

Franklin P. Parker

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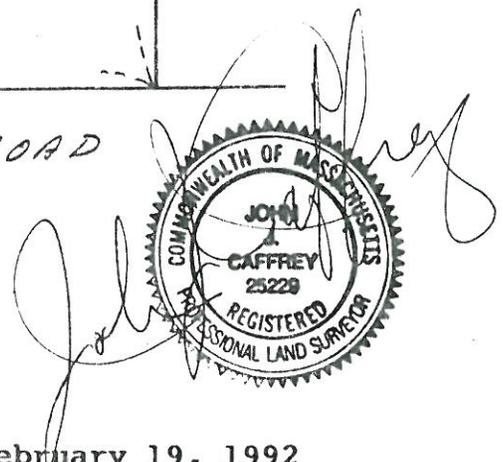
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CAVANAGH ROAD

Plan Ref:
Book 1758
Page 543

PLOT PLAN OF LAND
IN
WELLESLEY, MASS.



Scale: 1"=20'
John J. Caffrey, PLS

February 19, 1992
Weston, MASS.

NOTE: This plot plan was made from an instrument survey on February 12, 1992