



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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AUG 17 11 17 AM '92

ZBA 92-40
Petition of Michael F. and Becky P. Goss
22 Cavanagh Road

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, August 13, 1992 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 MICHAEL F. AND BECKY P. GOSS 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 two-story addition approximately 28.4 feet by 20.3 feet at the rear of their nonconforming dwelling with less than the required left and right side yards at 22 CAVANAGH ROAD, in a Single Residence District. Said addition will have less than the required right side yard.

On July 13, 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 was Michael Goss, who said that the proposed addition is set in two feet from the existing right side, which is nonconforming. The addition will not be visible from the front, and will be conforming on the left side, although the house is nonconforming on that side.

No other person present had any comment on the petition.

Statement of Facts

The subject property is located at 22 Cavanagh Road on an 8,450 square foot lot, in a Single Residence District. The existing nonconforming dwelling has a minimum left side yard clearance of 16.3 feet and a minimum right side yard clearance of 14.1 feet.

The petitioners are requesting a variance to allow construction of a two-story addition approximately 28.4 feet by 20.3 feet at the rear of their nonconforming dwelling. The addition will have a minimum right side yard clearance of 16.3 feet and will be conforming on the left side.

A Plot Plan dated July 3, 1992, drawn by Robert F. Drake, Registered Professional Land Surveyor; floor plans and elevations; and photographs were submitted.

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On July 14, 1992, the Planning Board reviewed the petition and a majority of the Board voted to offer no objection to the request.

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 proposed two-story addition conforms to the present lines of the house, and will be less nonforming in regard to the right side lot line and totally conforming in regard 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 petitioners, and that desirable relief may be granted without substantially derogating from the intent or purpose of the Zoning Bylaw.

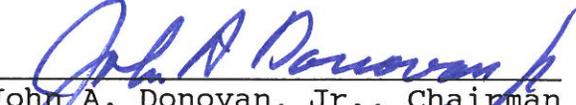
Therefore, the requested variance is granted to construct the proposed two-story addition subject to construction in conformance with the Plot Plan and construction drawings submitted and noted in the foregoing Statement of Facts.

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

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

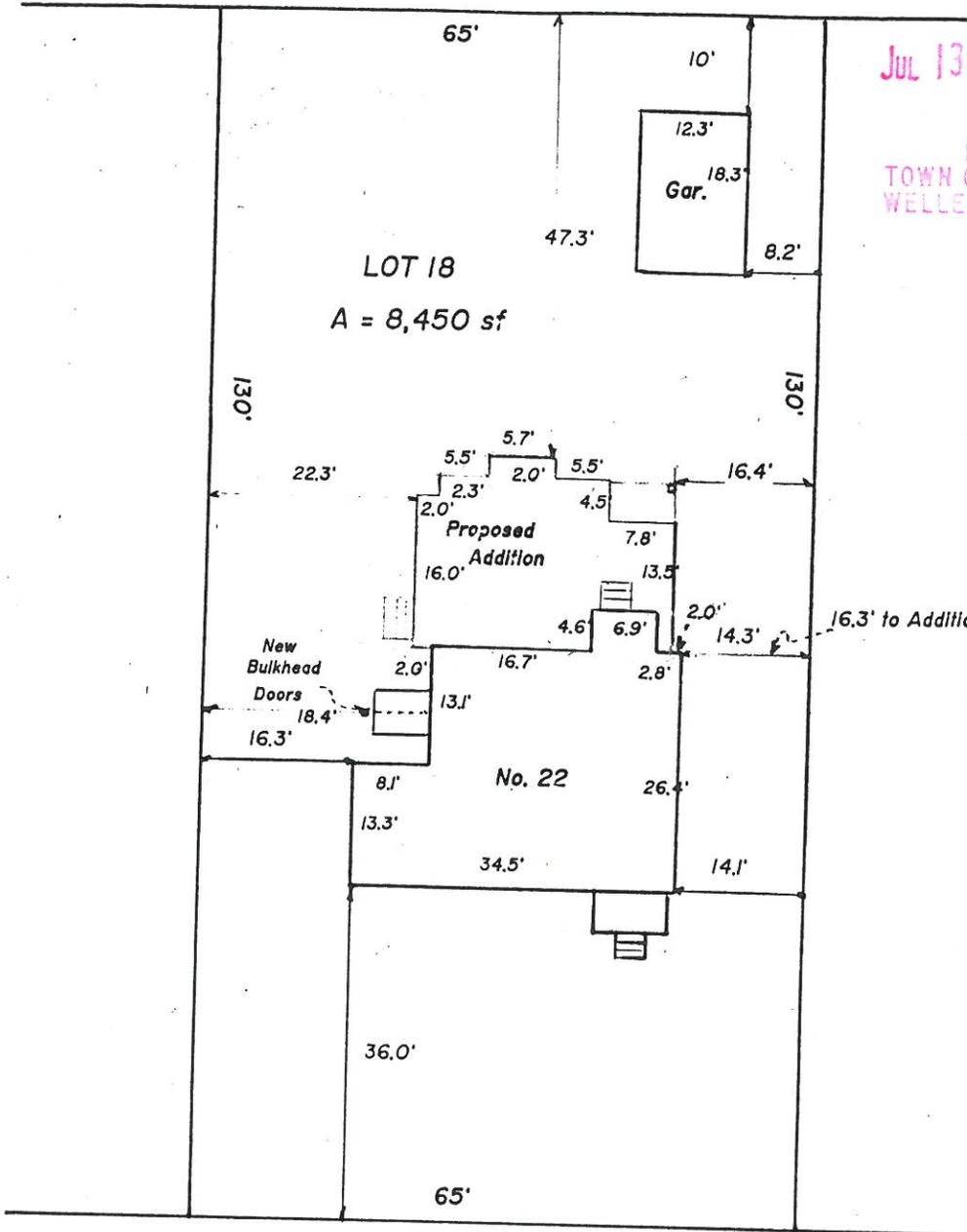


Franklin P. Parker

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CAVANAUGH ROAD

EXISTING LOT COVERAGE 12.6 %

PROPOSED LOT COVERAGE 17.9 %

I HEREBY CERTIFY THAT THE LOT(S) SHOWN ON THIS PLAN AND THE BUILDING(S) SHOWN ON SAID LOT ARE LOCATED ON THE GROUND AS SHOWN HEREON. ALL VISIBLE EASEMENTS AND ENCROACHMENTS ARE SHOWN HEREON.



PLOT PLAN
IN
WELLESLEY MASS

SCALE 1" = 20 FEET
DRAKE ASSOCIATES INC.
770 GROVE STREET
FRAMINGHAM, MASS

SIGNED

[Handwritten Signature]

DATE

July 3, 1992