

**ZONING BOARD OF APPEALS**

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TELEPHONE  
(781) 431-1019 EXT. 208

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ZBA 2005-05

Petition of Gregory and Erika Redmond  
28 Sheridan Road

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Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 13, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of GREGORY AND ERIKA REDMOND, requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 38.8 foot by 48.9 foot two story addition, with less than required side yard setback, at their nonconforming dwelling, with less than required side yard setback, in a 15,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming dwelling.

On December 28, 2004, 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 Greg Redmond, who said that they are seeking a Special Permit for a proposed addition. He said that the existing structure is nonconforming.

Mr. Redmond said that the property is located on a corner lot. The Board confirmed that the petitioners are seeking relief for one and one-half to two feet into the setback.

The Board said that, according to the plans, it looks like the porch will be replaced by a sunroom which is bigger than the porch. Mr. Redmond said that was added as a possible addition. It would be conforming.

The Board noted that the plans show the air conditioning unit located within the setback, which is in violation of Section XIX-B of the Zoning Bylaw.

The Board asked if the sunroom that is shown on the plan is the same as the one shown on the elevation drawing. The elevation drawing has four windows but the plan shows only three.

Tim Smith, 20 Sheridan Road, said that he has reviewed the plans and thinks that it will be a nice addition.

Statement of Facts

The subject property is located at 28 Sheridan Road with a minimum side yard setback of 18.1 feet, in a 15,000 square foot Single Residence District.

The petitioners are requesting a Special Permit/Finding that construction of a 38.8 foot by 48.9 foot two story addition, with a minimum side yard setback of 18.1 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 11/16/04, stamped by Frank Iebba, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 12/17/04, drawn by David Grissino, and photographs were submitted.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the Public Hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that construction of a 38.8 foot by 48.9 foot two story addition, with a minimum side yard setback of 18.1 feet shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as it will neither intensify the existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for the construction of the 38.8 foot by 48.9 foot two story addition.

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

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.

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David G. Sheffield, Acting Chairman

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Randy Becker

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Robert W. Levy

cc: Planning Board  
Inspector of Buildings  
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