

**ZONING BOARD OF APPEALS**

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2007-13
Petition of William Karas
53 Sheridan Road

Petition of WILLIAM KARAS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing structure and construction of a two-story structure that will meet all Zoning requirements, on an 11,178 square foot lot in a district in which the minimum lot size is 15,000 square feet, at 53 SHERIDAN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On February 21, 2007, 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 William Karas (the "Petitioner"), who said that his proposal is to construct a house on an undersized lot. He said that the house will meet all other Zoning requirements.

On December 7, 2006, at the Public Hearing, the Board stated that the proposed windows on the structure should be altered. The Board voted to allow Mr. Karas to withdraw his petition without prejudice.

On February 8, 2007, at the Public Hearing, Mr. Karas presented a new petition with revised plans. The Board voted to allow Mr. Karas to withdraw his petition without prejudice.

On March 8, 2007, at the Public Hearing, Mr. Karas presented a new petition with revised plans. The Board said that the proposed structure will meet all Zoning requirements and that the original Board request for alteration of the windows had been satisfied.

There was no member of the public present who wished to speak to the petition.

Statement of Facts

The subject property is located at 53 Sheridan Road, on an 11,178 square foot lot in a district in which the minimum lot size is 15,000 square feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing structure and construction of a two-story structure that will meet all Zoning requirements, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

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A Plot Plan dated 9/29/06, revised 12/12/06, stamped by Paul J. Mirabito, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 12/13/06, drawn by Sandcastle Group, and photographs were submitted.

On March 6, 2007, the Planning Board reviewed the petition and had no objection to granting the request.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the 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 demolition of an existing structure and construction of a two-story structure that will meet all Zoning requirements, on an 11,178 square foot lot in a district in which the minimum lot size is 15,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the construction shall neither intensify an existing nonconformity, nor shall it create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing structure and construction of a two-story structure that will meet all Zoning requirements, in accordance with the submitted Plot Plan and Construction Drawings.

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.

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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.

Richard L. Seegel, Chairman

J. Randolph Becker

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm
cc: Planning Board