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Decision of the Scituate Zoning Board of Appeals on the application of 13 Wheeler Avenue Realty Trust, 41 Old Littleton Road, Harvard, MA 01451, under Scituate Zoning By-laws 810.2.B to issue a special permit to allow the razing and reconstruction of a lawfully pre-existing non-conforming single family dwelling which increases the gross floor area by more than 20%.

The application was received, advertised, and a public hearing was duly held on October 17, 2013 with the following members of the Zoning Board of Appeals hearing the application:

Sara Trezise, Chairman
John Hallin
Ed Tibbetts

The property is located at 13 Wheeler Avenue and is owned by the 13 Wheeler Avenue Realty Trust who acquired the property from The Lacasita Trust u/d/t dated March 17, 1992 and recorded with the Plymouth County Registry of Deeds at Book 10842, Page 202 by deed dated December 23, 2009 and recorded with said Deeds at Book 38237, Page 154.

The building on the property is a single family dwelling which according to Town Assessors records was constructed in 1948.

The application seeks approval to raze the existing residential structure and to rebuild the house as per plans submitted by the applicant and drawn by Morse Engineering Co., Inc., dated 9/23/13 (the "Plan").

The property is located in the R-3 residential zoning district. The existing lot area, lot frontage, lot width and front setback are non-conforming but pre-existed current zoning requirements. The applicant seeks to rebuild the dwelling per the Plan, which will decrease the nonconformity of the front yard setback (increase setback from 19.6' to 22.2') and which will not increase any other nonconformity on the property.

The Board voted to approve the application allowing the razing and reconstruction of the home per the plans submitted with the application and described above.


In approving this application, the Board found the criteria required under Section 810.2 will be satisfied by the present plans as follows:

- A. The proposed residence, if constructed per the Plan will not increase the nonconforming nature of said Structure.

For the foregoing reasons, the Board unanimously voted to GRANT the application to permit the razing and reconstruction of the residence not to exceed the dimensions noted on the Plan, FINDING that the same will not be substantially more detrimental to the neighborhood than the current pre-existing nonconforming dwelling.

SCITUATE ZONING BOARD OF APPEALS


Sara Trezise


John Hallin


Ed Tibbetts

Filed with the Town Clerk and the Planning Board on: November 5, 2013.

This Special Permit/Finding will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County of Deeds after the appeal period of twenty (20) days.

Appeal of any decision of the Zoning Board of Appeals may be made pursuant to M.G.L. Chapter 40A, Section 17, and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of the filing of the decision with the Town Clerk.