

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

GARRETT S. HOAG  
JOHN L. HAYDEN  
DANA T. LOWELL

KATHARINE E. TOY, CLERK  
TELEPHONE  
CE. 5-1664

Petition of William F. Pounder

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:30 p.m. on July 31, 1963 on the petition of William F. Pounder, Jr., requesting permission to alter the non-conforming dwelling owned by him at #1 Sunset Road as provided under Section XVII B of the Zoning By-law.

The petitioner spoke in support of his petition.

The following appeared and spoke in opposition to the granting of the request: Harold A. Mock, member of the Planning Board, Eliot F. and Helen W. Childs, 7 Harvard Street, David Chittim, 7 Sunset Road, Boyd H. Dunbar, 1 Harvard Street and William C. Miller, 20 Sunset Road.

The Planning Board opposed the granting of the request in its report.

Roy Whitehouse, former occupant of the house, stated that the house had been used as a three-family residence in 1925. He moved into the house in 1929 and at that time there were three families occupying it.

On July 15, 1963, the petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The dwelling involved is located within a Single Residence District requiring a lot area of not less than 10,000 square feet.

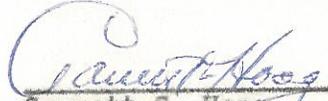
The building on the premises is a frame dwelling containing three apartments, one on the first floor, one on the second floor and one on the third floor as it has since before the adoption of the Zoning By-law in 1925. The petitioner purchased the property in May, 1963 and finds that he cannot rent the third-floor apartment during the summer unless some arrangement is made to provide cross ventilation. The apartment temperature gets so high that the tenant has to move out for the summer. The petitioner, therefore, seeks permission to replace the present gable on the westerly side of the dwelling, with a dormer 15'6" which will provide the needed ventilation and at the same time enlarge the small apartment.

Decision

The use being made of the premises is non-conforming but legal because it antedates the Zoning By-laws. But the Town's policy as expressed in the Zoning By-law is to encourage conversion from non-conforming to conforming use of property. (See Sec. XVII). Thus this Board is authorized to permit the alteration of a building devoted to a non-conforming use, as in the instant case, only if it finds inability to make such alteration would involve substantial hardship. But the petitioner bought the property only

two months before the hearing, fully aware of the facts of which he now complains. We find no hardship within the meaning of the term so used in Section XVII.

Accordingly, the request is denied and the petition dismissed.

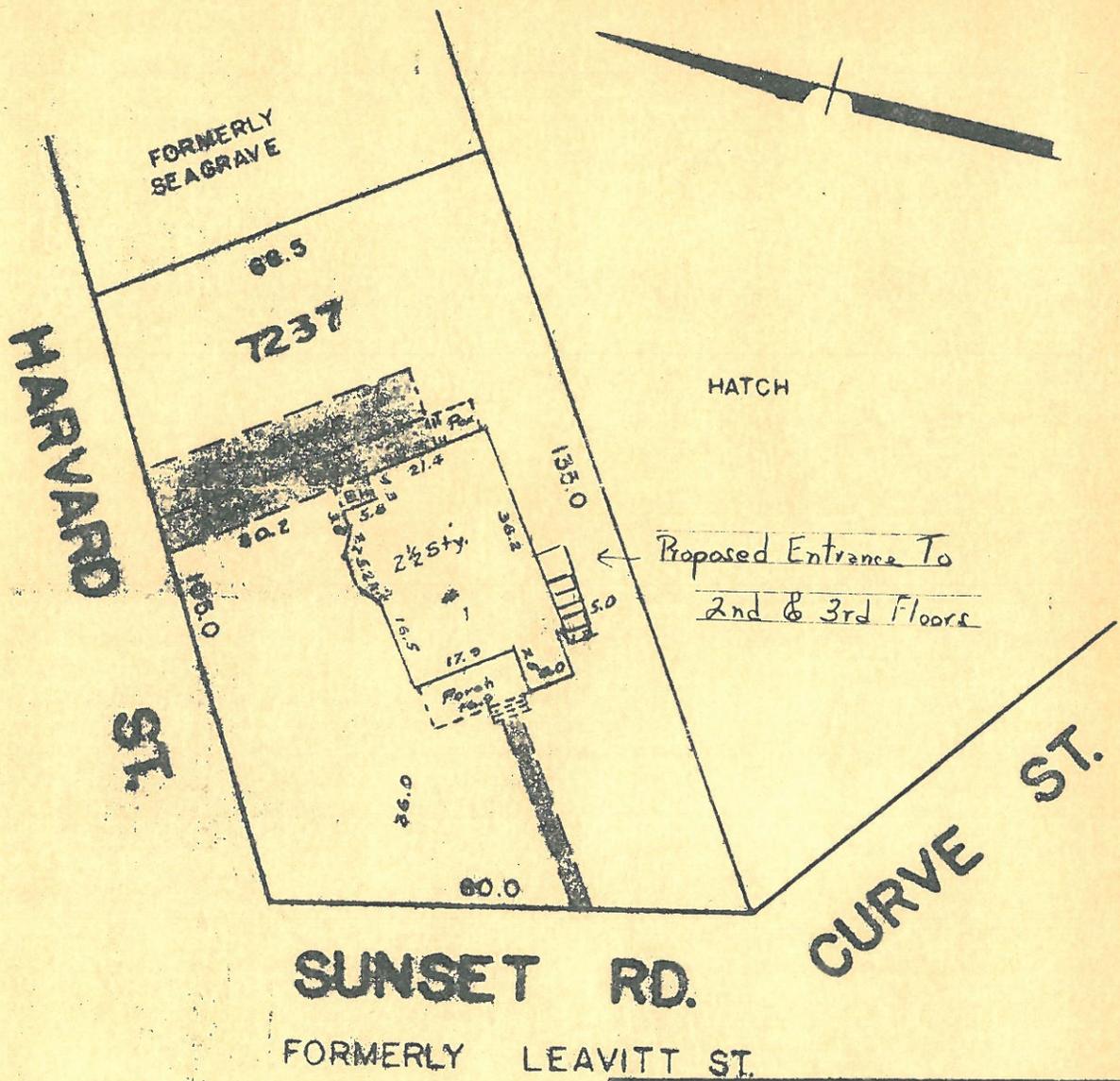
  
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Dana T. Lowell

Filed with Town Clerk \_\_\_\_\_

RECEIVED  
TOWN CLERK  
JAN 21 1915  
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**MORTGAGE SURVEY PLAN**

Location **WELLESLEY**

Scale 1 in. = 30 ft. Date MAY 14, 1963

Plan reference: BEING DESCRIBED BY DEED  
RECORDED IN NORFOLK REGISTRY OF  
DEEDS. BOOK 1804 PAGE 249

**JOSEPH SELWYN, Civil Engineer**  
14 Linden Avenue, Belmont

I hereby certify that the building shown on this  
plan is located on the ground as shown thereon  
and that it conforms to the zoning and building  
laws of the town of **WELLESLEY**  
when constructed and to restrictions on record.

*Joseph Selwyn*