



72-22

BOARD OF APPEAL

RICHARD O. ALDRICH  
DANA T. LOWELL  
F. LESTER FRASER

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Petition of George C. McMichael

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 8:15 p.m. on April 27, 1972, on the petition of George C. McMichael, requesting permission to alter his non-conforming apartment building located at 59 1/2 Washington Street. The petitioner further requested modification of the decision issued on June 18, 1954, by the Board of Appeal so that said dwelling may be used for seven apartments rather than six as stated in the Board's decision. Said permission was requested pursuant to Section 15, of Chapter 40A, of the General Laws and Section XVII B 2. of the Zoning By-law.

On April 10, 1972, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Paul Jameson, attorney, represented the petitioner at the hearing.

No objections were made at the hearing to the granting of the

request.

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Statement of Facts

The property involved is located within an Educational District requiring a minimum lot area of 10,000 square feet, and within a District in which the above-mentioned use is not permitted unless a special permit is granted by the Board of Appeal.

The building involved was formerly used as a dormitory to house Wellesley College students, and in 1954 this Board granted permission for it to be converted into an apartment house for not more than six apartments. The Board at that time found that the building, which contained twenty-three rooms, was unsuitable for single occupancy, which was the only permitted use within an Educational District other than a use of an educational character.

The petitioner, who purchased the property in 1960, seeks permission to use the building for seven apartments rather than six and to construct two small porches on the front of the building and an addition 3' x 12' on the rear which will permit a kitchen to be installed on the first floor. It was pointed out that the former owner provided caretaker's quarters and it is this area which will be converted into an apartment if permission is granted. It is the belief of the petitioner that there is not adequate income from the property now as it is and it is economically unsound to maintain it unless the additional apartment is allowed. There is a unique hardship, it was alleged, due to the substantial change in the adjoining areas.

Decision

It is the unanimous opinion of this Board that the requested extension of the existing non-conforming use of the building involved will not prove detrimental to the neighborhood, and in this case, it appears that a literal enforcement of the provisions of the Board of Appeal decision of

1954, would involve substantial hardship, financial or otherwise, to the petitioner. It is the further opinion of the Board that desirable relief may be granted without any substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such by-law.

The property involved is situated adjacent on the east to land which is zoned for Limited Apartments and at present is being developed by the construction of a group of condominium buildings; on the north it is adjacent to a funeral home; on the south a non-conforming lodging house and across Washington Street on the west, business zoned property and residential property on which are several non-conforming buildings. The contemplated use of the building for seven apartments rather than six apartments, as it has been used previously, in the opinion of this Board, is not substantially different from the use to which it has been put, and subject to the conditions hereinafter set forth, will not prove detrimental to the neighborhood.

Accordingly, it is the unanimous opinion of the Board that the decision filed by this Board on June 18, 1954 with the Town Clerk, "Petition of William W. and Shirley D. White", may be modified so that the building involved may be used for not more than seven apartments rather than the six as stated in the said decision. The Board further grants permission for the construction of two porches and addition as shown on the plan submitted and on file with this Board, drawn by Robert H. Dunning, Land Surveyor, Arlington, dated February 18, 1972; subject to the following conditions:

1. That all applicable local and State By-laws shall be complied with except for the exceptions herein granted.
2. That not more than seven apartments be provided.
3. That no alterations or additions shall be made hereafter to the building until permission has been obtained from the Board of Appeal.
4. That this permission may be revoked for violation of any condition hereof.

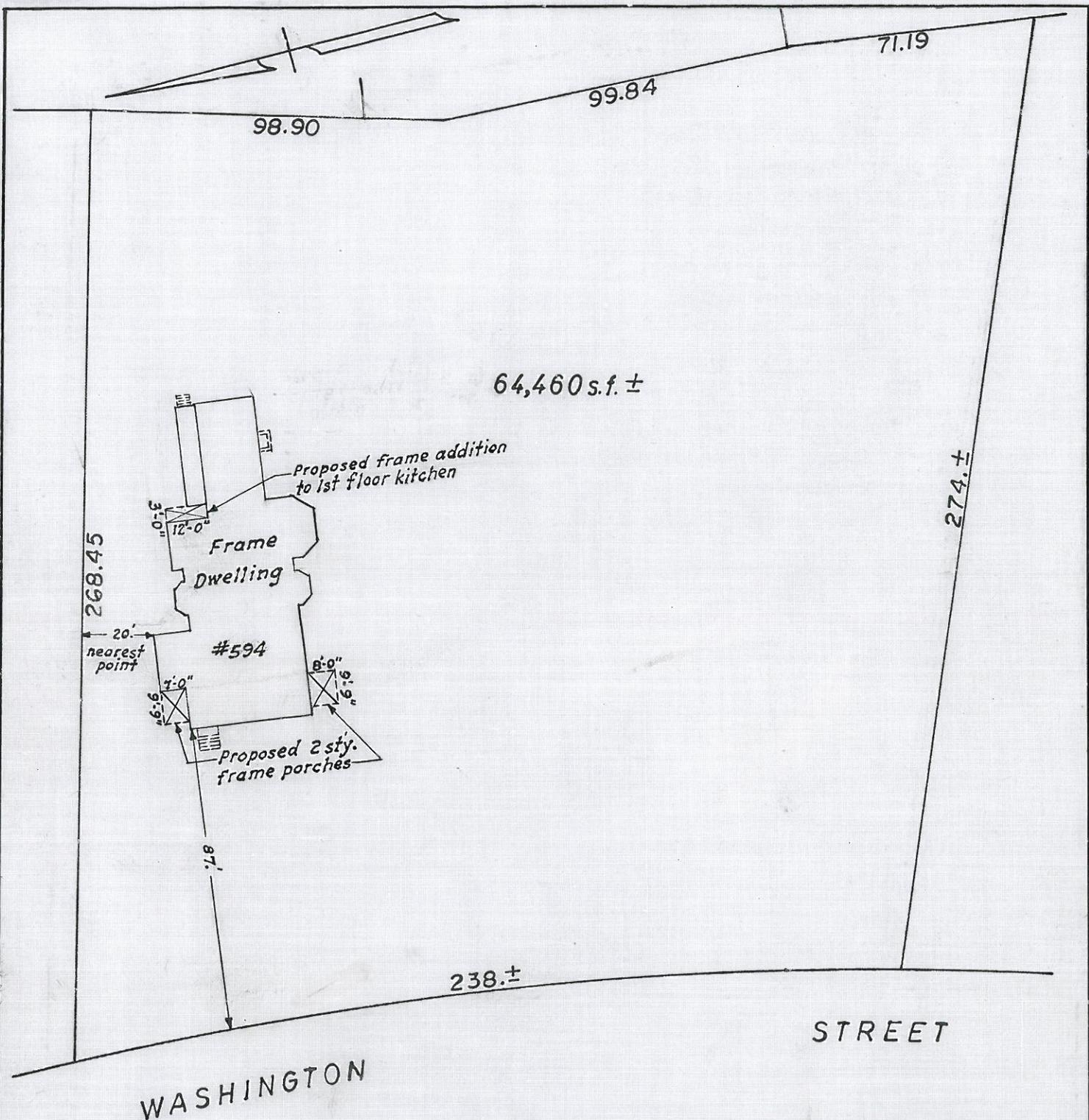
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Richard O. Aldrich

  
Dana T. Lowell

  
Robert T. Colburn

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



**PLOT PLAN**  
 594 WASHINGTON ST.  
 WELLESLEY, MASS.  
 owned by  
**GEORGE C. McMICHAEL**  
 Scale: 1" = 40' Feb. 18, 1972  
 Robert H. Dunning, Surveyor  
 Arlington

