



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
 TELEPHONE
 235-1864

Petition of Peter B. and Anne Schneider

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 8:40 p.m. on March 23, 1972, on the petition of Peter B. and Anne Schneider, requesting permission to continue to use the premises located at 130 Washington Street as a two-family residence as provided under Section II. 8 (a) of the Zoning By-law.

On February 16, 1972, the petitioners filed application for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Peter B. Schneider spoke in support of the request at the hearing.

Frederick L. Luddy, 1 Bird Hill Avenue, stated that while he did not object on any general ground to the continuation of the use of the premises as a two-family dwelling, he did, however, feel that any permission granted should contain the following conditions: 1. That under no circumstances may rental or non-rental use of "second family" space be made for the convenience of unrelated persons...2. That adequate off-street parking space for vehicles be provided...3. That in the event subletting is acceptable to the Board of Appeal, the conditions requested be made totally applicable to such...4. That any continuation approved for the present owners of the premises not to be extended without a fresh petition and hearing...

A letter was received from Mary Jane and Gardner Ertman, 8 Bird Hill Avenue, stating that they had no objections to the granting of the request providing the permission is not permanent and subject to occasional review.

No other objections were received to the granting of the request.

Statement of Facts

The house involved is located within a Single-residence District requiring a minimum lot area of 15,000 square feet. It is approximately eighty years old and contains seventeen rooms, six rooms on the first floor, six rooms on the second floor and five on the third floor.

On December 1961, this Board granted permission to a former owner of the property to use the house as a two-family residence; the permit was limited to five years, and in 1967, this Board renewed the permit for another five-year period. The petitioners who purchased the property approximately four years ago, now seek permission to continue to use the dwelling as a two-family residence in order to obtain the added income which is necessary for proper repair and maintenance for the house.

It was stated that the petitioners have made major repairs to the property since purchasing it and there is still a great deal to be done. These improvements, they feel, have enhanced the neighborhood and it is their

intention to continue to upgrade the property providing the requested permit is granted.

Decision

It is the unanimous opinion of this Board that the circumstances in this case have not changed substantially and that undue hardship to the property will result if this permit is not granted. The house which contains seventeen rooms can no longer be used or adapted at a reasonable expense and with a fair financial return as a single-family residence. The change of ownership does not alter the circumstances in this case sufficiently to compel its use to be reduced to one family, which is the only allowable use of the property without a special permit. In 1954 the Board of Appeal found that the house at that time was equipped with three kitchens and as far back as 1924, it had been used for occupancy by more than one family except for a few years just prior to the property being purchased in 1954. The Board feels that the continued non-conforming use will not substantially reduce the value of any property within the district and will not otherwise be injurious, obnoxious, or offensive to the neighborhood.

For these reasons, the requested permit is hereby granted subject to the following conditions:

1. That the house shall be occupied by not more than two families, each consisting of a group comprising immediate kindred especially the group formed of parents and children and implies father, mother, and immediate blood relatives.
2. That facilities for off-street parking shall be provided for the tenants of the property; and shall be used by the tenants.
3. That this permit shall be for a term of five years from the date of this decision, or until the Board of Appeal shall find that there has been a breach of any one or more of the conditions under which it was issued, whichever shall first occur.


Philip H. B. Card


Dana T. Lowell


F. Lester Fraser

Filed with Town Clerk _____