

TOWN OF WELLESLEY



MASSACHUSETTS

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 8:20 p.m. on April 27, 1972, on the petition of George C. McMichael, requesting permission to make structural changes to the dwelling owned by him at 594A Washington Street and to construct a roof over the existing second-floor porch on said dwelling with a side yard less than the required twenty feet. The petitioner further requests permission to convert said dwelling to a two-family use. Said permission was requested pursuant to Section 15, Chapter 40A, of the General Laws, Section II 8 (a), Section XXIV-D and Section XIX 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 Education District requiring a minimum lot area of 10,000 square feet, and 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 in existence for many years prior to the adoption of the Zoning By-law requiring a twenty-foot side yard

The building involved was formerly used as a dormitory to house Wellesley College students and has subsequently be occupied by one family.

The petitioner, who purchased the house involved together with three other adjacent buildings, seeks permission to make the necessary changes involved to convert it into a two-family dwelling. On the second floor it is proposed to replace the existing bathroom with a kitchen and to construct a roof over the existing porch. A new bathroom is to be installed on the first floor and windows to be removed, if permission is granted. It was stated that there is a unique hardship involved as the building in question is the only former Wellesley College dormitory which has been maintained as a single-family dwelling since its use as a dormitory ceased. The immediate area has changed, it was alleged, and to continue to maintain the house as a single-family dwelling, would be economically unsound.

Decision

The Board has made a careful study of the facts in this case and has taken a view of the locus. While the house was built many years prior to the adoption of the Zoning By-law requiring a twenty-foot side yard, it adjoined other land of the same owner on April 1, 1940. The Board, therefore is not authorized to make a special exception under Section XIX of the Zoning

By-law as said section authorizes the Board to grant such exceptions only if on April 1, 1940, the lot was owned of record under a separate and distinct ownership from adjacent lots. The Board, however, considered the petition including the request for a two-family use under the provisions of General Laws, Chapter 40A, Section 15.

It is the unanimous opinion of this Board that the requested 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 by-law 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 substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such by-law.

The house 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 another building owned by the petitioner which has been used for many years as a six-apartment house under a special permit from the Board of Appeal; 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 house as a two-family dwelling, in the opinion of this Board, is reasonably necessary, and subject to the conditions hereinafter set forth, will not prove detrimental to the neighborhood.

The construction of a roof over the existing porch which does not have the required twenty-foot side yard, in the opinion of this Board, will not prove detrimental and desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of such by-law.

Accordingly, it is the unanimous opinion of the Board that the requested variance is granted under the terms of Chapter 40A, Section 15 of the General Laws which will allow the petitioner to convert the dwelling involved into a two-family dwelling and to roof over the porch on the second floor as shown on the plan submitted and on file with this Board drawn by Robert. Dunning, dated February 18, 1972, subject to the following conditions:

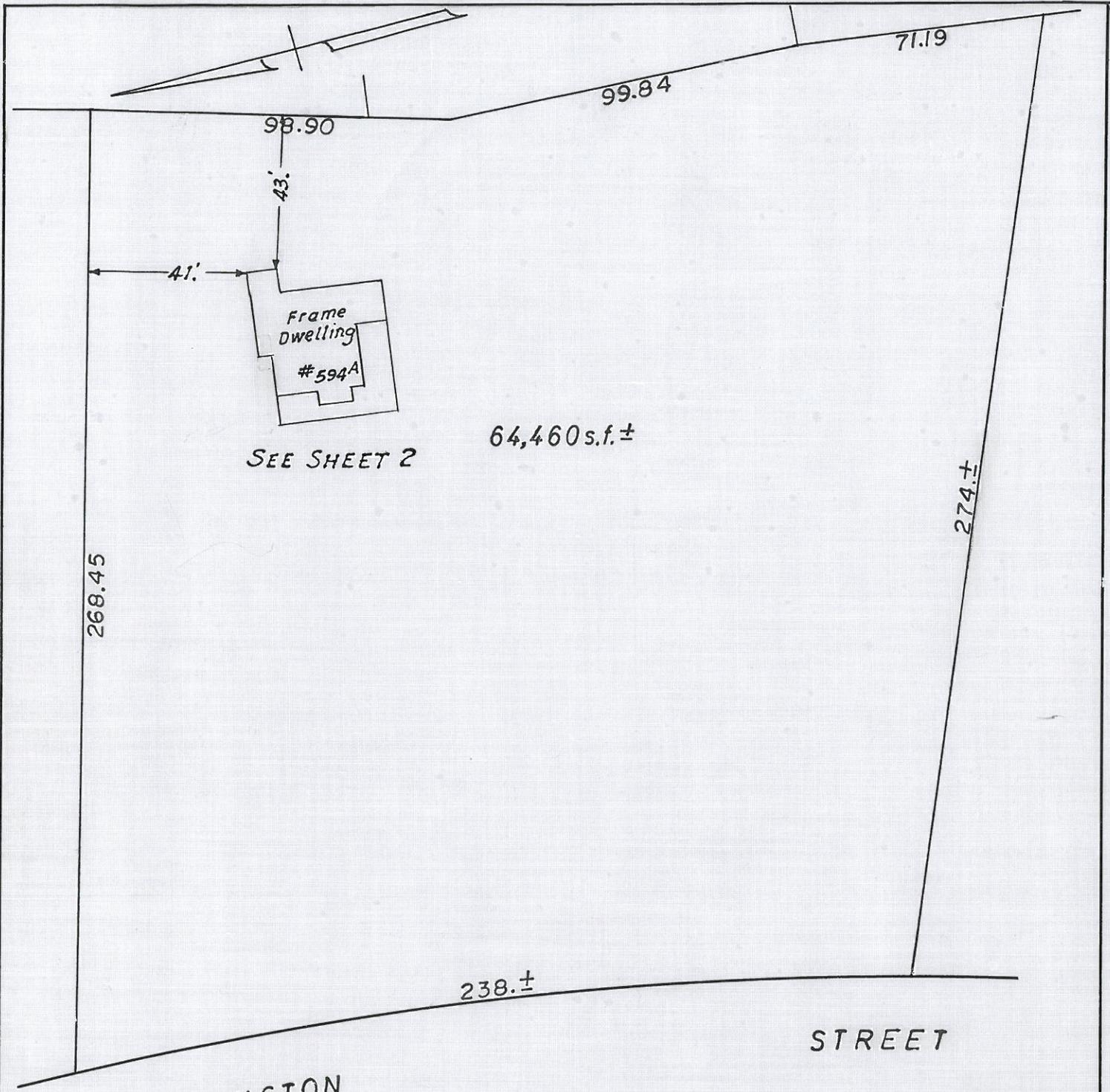
1. That all applicable requirements of the Zoning By-law and Building Code shall be complied with except for the exceptions herein granted.
2. That facilities for not more than two families may be provided.
3. That no alterations or additions shall be made hereafter to the building until permission has been obtained from the Board of Appeal.
4. That this permission may be revoked for violation of any condition hereof.

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Filed with Town Clerk _____

Robert T. Colburn
Robert T. Colburn

Richard O. Aldrich
Richard O. Aldrich
Sana T. Lowell
Sana T. Lowell



SEE SHEET 2

64,460 s.f. ±

WASHINGTON

STREET



PLOT PLAN
594^A WASHINGTON ST.
WELLESLEY, MASS.

owned by
GEORGE C. McMICHAEL

Scale: 1" = 40' Feb. 18, 1972

Robert H. Dunning, Surveyor
 Arlington