

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 Thomas C. Paul  
(Sue Page and Warren P. Baylerian)

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 8:10 p.m. on January 20, 1972, on the petition of Thomas C. Paul, requesting permission to convert the dwelling, owned by Sue Page Baylerian and Warren P. Baylerian, at 25 Weston Road into a two-family dwelling as provided under Section II. 8 (a) of the Zoning By-law.

On December 29, 1971, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Thomas C. Paul, spoke in favor of the petition at the hearing.

Margaret M. O'Neil, tenant in the property involved, spoke in favor of the request.

Margaret Arnold, 19 Abbott Street, also favored the request providing the permit was restricted to not more than two families.

Statement of Facts

The house involved, which was built over seventy-five years ago, is located on a lot containing 6,251 square feet, within a Single-residence District requiring a minimum lot area of 10,000 square feet. It is a three-story frame dwelling containing a small kitchen, dining room, bedroom and bathroom on the first floor, a kitchen, living room, bedroom, a small room and bathroom on the second floor and two bedrooms and bathroom on the third floor. This property has apparently been used for some time as a two-family dwelling.

The petitioner has entered into an agreement to purchase the property and seeks permission to use it as a legal two-family dwelling. He stated that he did not know that the property had not been approved as a two-family dwelling at the time he signed his agreement. It is his desire to make alterations and improvements to the interior of the house with no changes to its exterior. He pointed out that within the block in which the house is located, six out of seven of the properties are being used for non-conforming uses. In his opinion, the house is too large and too difficult to maintain as a single-family house. The costs of renovating and maintaining the property and keeping it in good repair allegedly would far exceed its value as a one-family dwelling. The use of the property as he proposes, in his opinion, would be an improvement to the neighborhood.

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Decision

The Board has made a careful study of all the facts in this case and has taken a view of the locus.

Although this Board does not condone the illegal use of the property in the past, it does feel that the house can no longer be used or adapted at a reasonable expense and with a fair financial return as a single-family residence. The house has been occupied as a two-family residence for over ten years and the proposed use of the property will not alter the circumstances in this case sufficiently to result in depreciation of surrounding properties. There appear to be a number of non-conforming dwellings, some lawful and some unlawful, in the immediate area as well as some houses occupied by only one family.

This Board does point out, however, that it cannot permit past violations of the unpermitted use of the property to weigh in favor of the violator or his successor so have considered the case as if the premises were in conformity and this petition is for authority to change the premises from a single-residence dwelling to a two-family dwelling.

Accordingly, subject to the following conditions, a permit is hereby granted for the use of the house involved for not more than two families; as provided under Section II. 8 (a) of the Zoning By-law.

1. That the house shall be occupied by not more than two families and repaired so as to provide facilities for not more than two families. As used herein the word "family" shall be deemed to mean and include exclusively: "one or more persons 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 and their guests.
3. That no cars shall be parked within the area between the dwelling and Weston Road.
4. That all requirements hereafter made by the Inspector of Buildings and the Chief Engineer of the Fire Department shall be complied with forthwith.
5. That no exterior additions or alterations shall be made to the house involved until and unless permission is obtained from the Board of Appeal.

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- 6. That the use of the premises shall be subject to such regulations as the Board shall from time to time hereafter make or amend.
- 7. That said permit shall expire one year from this date or if this Board finds that there has been a breach of any of the foregoing conditions.

*Richard O. Aldrich*  
Richard O. Aldrich

*F. Lester Fraser*  
F. Lester Fraser

*Edward T. Kilmain*  
Edward T. Kilmain

Filed with Town Clerk 5/4/13

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