



ZONING BOARD OF APPEALS  
TOWN HALL WELLESLEY, MA 02181

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83-38

Petition of Richard A. White

The Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8 p.m. on Thursday, August 11, 1983, on the petition of RICHARD A. WHITE, requesting a variance from the terms of Section XVII to expand the non-conforming use of his property at 61-63 WASHINGTON STREET, said property containing a pre-existing non-conforming two-family dwelling, located in a Single Residence District. Said request is pursuant to Section XXIV-D of the Zoning Bylaw.

On July 22, 1983, the petitioner filed a request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Presenting the case was Richard A. White, who presented a plot plan, and stated that he owns the house, rents the first floor, plans to move into the second floor and use the third floor for an artist studio and expanded living quarters. Access to the third floor would be from a small room on the second floor.

Present with concerns about the possible use as a three-family dwelling: Evelyn Yates, 3 Orchard Street, Naomi Talmadge, 9 Orchard Street.

Statement of Facts

The property in question is located at 61-63 Washington Street, containing 8,400 square feet of land, in a Single Residence District. The building enjoys pre-existing non-conforming status as a two-family dwelling.

On June 1, 1983, Richard A. White applied for a building permit to alter the attic of the dwelling for his personal occupancy. Alterations would include construction of 1-2 bedrooms, 1-2 bathrooms, large family room, but not a kitchen, according to the petitioner. Arthur LaConte, Inspector of Buildings, referred Mr. White to the Board of Appeals for authorization to expand the non-conforming use of the dwelling.

Mr. White proposed extensive renovations to the third floor, including a den, living room, bedroom, solar patio, bath, with a fireplace, washer-dryer and furnace. The roof line would be changed but the height of the roof would remain unchanged. The petitioner proposes to use the area as an artist studio and expanded living quarters, accessible from the second floor. The first floor is rented.

A Plot Plan was submitted, drawn by John J. Regan, Registered Land Surveyor, of Apex Associates, Newton Highlands, dated May 11, 1974. Construction drawings were submitted.

The Planning Board, in a letter dated July 28, 1983, stated the following: "The Planning Board has reviewed the plan and application materials and has moved, seconded, and voted to oppose this request. The proposal is far in excess of anything contemplated when the Town Meeting adopted the limitation on expansion of non-conforming uses. In addition we believe it goes far beyond any statutory protections and will be substantially detrimental to the neighborhood."

Decision

This Authority has made a careful study of the evidence submitted.

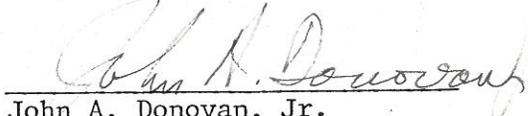
The petitioner's property at 61-63 Washington Street enjoys pre-existing non-conforming status. Mr. White proposes alterations to the third floor as an extension of the living quarters on the second floor. He does not plan to add a kitchen to the third floor. He requests a finding from this Board that the alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood.

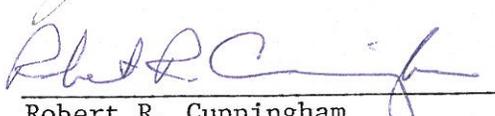
It is the opinion of this Authority that the proposed alterations will not be substantially more detrimental than the existing non-conforming use to the neighborhood.

Therefore, a variance is granted to expand the non-conforming use at 61-63 Washington Street as shown on construction drawings submitted by Richard A. White. The Inspector of Buildings is hereby authorized to issue a permit for the alterations upon his receipt and approval of a building application and construction plans.

The granting of a variance by this Board in no way condones the existence of an additional (third) dwelling unit at the property. A third dwelling unit is not allowed by the Zoning Bylaws.

  
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Stephen S. Porter, Chairman

  
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John A. Donovan, Jr.

  
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Robert R. Cunningham

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