



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Petition of Edward M. Levitt

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 8:50 p.m. on February 11, 1971, on the petition of Edward M. Levitt, requesting permission to convert the lodging house owned by him, located at 617 Washington Street, known as Webb House, into an apartment house. Said request was made under the provisions of Section XVII B. 2 (b) of the Zoning By-law and Chapter 40A, Section 15, of the General Laws.

On January 8, 1971, the petitioner filed his request for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

The petitioner spoke in support of the request at the hearing.

The Planning Board in its report stated that it felt that the request in effect, is a change in zoning district designation and should, therefore, more properly be directed to the Town Meeting.

A letter from Walter A. Korb, 611 Washington Street, addressed to Mr. Levitt, was submitted, in which he stated that he had no objection to the conversion of Webb House into an apartment house.

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

Statement of Facts

The building involved is located within a Single-residence District requiring a minimum lot area of 10,000 square feet. It is a four-story brick, stone and frame building, built over seventy years ago and has been used as a sanatorium, mental hospital, Wellesley College dormitory, convalescent and nursing home and lodging house. It has nineteen rooms and seven baths on the four floors.

At the hearing the petitioner explained in detail the manner in which the house has been operated since the late 1800's. He purchased the property in October 1968 and has been operating it as a lodging house since then under a special permit granted by this Board. Due to the increased costs during the past two years, he alleged, he has been operating it at a loss. Balance Sheets for the years 1969 and 1970 were submitted to substantiate his figures.

For these reasons, the petitioner seeks permission to convert the existing building without any additions, into six one-bedroom apartments, two on the first floor, two on the second floor and two on the third floor. In his opinion, conditions exist to grant relief under the Zoning By-law, Section

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XVII B. 2 (b) which will allow the introduction of a non-conforming use in any existing building, or under the General Laws, Chapter 40A, Section 15, because of the increased costs, electrical, taxes, repair maintenance, etc. that the facility is not profitable and financial hardship has resulted to him. This condition, he feels is not applicable to other properties within the neighborhood which have not been granted special permits by the Board of Appeal, as they are not comparable in size to the house involved, nor are they non-conforming houses operating as such prior to 1925 when the Zoning By-law became effective.

Plans showing the proposed layout of the six apartments were submitted as well as a plot plan drawn by Donald S. Fox, Land Surveyor.

Decision

It is the unanimous opinion of this Board that the building involved is unsuitable for single occupancy and this Board made such a finding a number of years ago when it granted permission for it to be used as a nursing home and later as a lodging house.

While the Board is reluctant to authorize encroachments into a restricted district, if this petition is denied, the net result may well be a deterioration of the property which ultimately will depreciate the value of surrounding properties. In the opinion of the Board, the use of the premises as an apartment house consisting of six apartments is not likely to 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 appellant. It further appears 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. It is a fact that other petitions for special permits, etc., have been presented with respect to this property over a period of years, and although some have been granted and others denied it may be noted that little or no opposition has been expressed by neighbors to any of these petitions.

The property involved is across the street from St. Andrew's Church, diagonally across from the recently constructed Senior Living apartments, and within a short distance of an apartment building built prior to Zoning and two houses operating under special permits granted by the Board of Appeal, one as an eight-apartment house and the other as a rooming house.

The contemplated use, it is believed, is not substantially different from the use to which it has been put previously and it is the opinion of the Board that, subject to the conditions hereinafter set forth, the proposed use will not only prove beneficial to the petitioner but to the Town as a whole.

Accordingly, it is the unanimous opinion of the Board that permission to use said building as an apartment house for no more than six apartments can be granted for a period of five years from the date of commencement of operation of the premises as an apartment house and the Inspector of Buildings is authorized to issue a permit for the alterations of said building on such terms and in accordance with the plans submitted and on file with this Board, subject to the following conditions:

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1. That all applicable local and State By-laws shall be complied with except for the exceptions herein granted.
2. That not more than six apartments be provided as shown on the plans submitted and on file.
3. That facilities for the parking of motor vehicles sufficient to comply with the applicable provisions of Section XII (a) of the Zoning By-law shall be provided at the rear of the property and at no time shall any vehicles be parked on the front or side yards.
4. That no alterations or additions shall be made hereafter to the building until permission has been obtained from the Board of Appeal.
5. That the Board shall be notified in writing, promptly upon the commencement of operation of the premises as an apartment house.
6. That this permission may be revoked for violation of any condition hereof.

*Philip H. Cahill*  
Philip H. Cahill

*Anna T. Lowell*  
Anna T. Lowell

*F. Lester Fraser*  
F. Lester Fraser

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

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