



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

BOARD OF APPEAL

KATHARINE E. TOY, CLERK
 TELEPHONE
 235-1664

Petition of Joseph B. Sangiolo

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 8:15 p.m. on June 24, 1971, on the petition of Joseph B. Sangiolo, requesting permission to use the premises at 12 Waban Street as a lodging house, as provided under Section II, 8 (a) of the Zoning By-law.

On December 4, 1970, the Inspector of Buildings notified the appellant in writing that the use of the above-mentioned premises by several unrelated persons did not constitute single family occupancy within the meaning and intent of the Zoning By-law and further ordered that the unlawful use of said premises cease immediately. On April 2, 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.

On April 6, 1971, the Inspector of Buildings filed a Complaint in the Dedham District Court, Norfolk County, as a result of the petitioner's failure to comply with his order of December 4, 1970, to remove occupants of the premises.

Daniel S. Fram, Attorney for the petitioner, represented the petitioner at the Board of Appeal hearing.

Statement of Facts

The property involved is located within a Single residence District requiring a minimum lot area of 10,000 square feet. The house is approximately seventy years old and contains thirteen rooms, five on the first floor, five on the second floor, three on the third floor, with a bathroom on each floor.

It was alleged at the hearing by the petitioner's attorney that the house involved has been used as a rooming house since the early 1920's and that during the period from 1920 to 1944, it was occupied, at least part of the time, by Wellesley College students. The former owner who purchased the property in 1944, was said to have used it as a rooming house until 1969 when the petitioner purchased it. The petitioner purchased it with the understanding that it could be used as a rooming house and has been using it as such since then. At present there are said to be twelve unrelated roomers and one manager living in the house. It was further alleged by attorney Fram that the house cannot be used at a reasonable expense and with a fair financial return as a single family dwelling; that a number of other houses in the neighborhood are being used either legally or illegally for other than single family dwellings and that hardship will result to the petitioner if the petition is not granted.

In a letter to the Board dated March 23, 1972, the Fire Chief of the Town of Wellesley expressed dissatisfaction and concern over safety aspects of the premises.

Decision

The members of the Board have viewed the premises and have studied

TOWN OF WELLESLEY
 RECEIVED
 MAY 23 1972
 2:05 PM

the neighborhood carefully. The neighborhood appears to be a single family residence area. The neighborhood has certain transitional characteristics which are not uncommon in older residential areas bordering on business areas. The Board is cognizant of the fact that a significant number of other houses in the neighborhood are being used either legally or illegally for other than single family dwelling purposes.

In checking through the Town records, the Board found that on May 5, 1930, Miss Julia A. Brown, owner of the property at that time, applied to the Board of Selectmen for a permit under the Zoning By-law to use the house involved as a two family dwelling. A public hearing was held on May 19, 1930, and the matter was taken under advisement. It does not appear from the records that the requested permission was ever granted.

No provision has been made or is practicable on the premises for a significant amount of parking for such motor vehicles as may be used by the occupants.

The petitioner in this case is not contending that his is a permissible single family use. He wants the right to continue to use the premises as a lodging house, either as a legal continuing non-conforming use or pursuant to permission granted pursuant to Section II 8 (a) of the Zoning By-law.

We find that the present multiple occupancy use is not a valid continuing non-conforming use.

We find that this building can no longer be used or adapted at a reasonable expense and with a fair financial return for a use regularly permitted in a single family district. However, we are not able to find that the proposed 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. We are further of the view that to grant this request might, under the circumstances existing in this instance, be detrimental to the public good.

Accordingly, the petition is dismissed.

RECEIVED
TOWN CLERK'S OFFICE
MAY 17 4 15 PM '35

Richard O. Aldrich
Richard O. Aldrich
Dana T. Lowell
Dana T. Lowell
Robert T. Colburn
Robert T. Colburn

Filed with Town Clerk _____