

71-49

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 Ethel M. Anderson

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 8:05 p.m. on August 24, 1971, on the petition of Ethel M. Anderson, requesting permission to continue to use the premises located at 156 Walnut Street as a two-family dwelling as provided under Section II 8 (a) and XXIV-E of the Zoning By-law.

On July 7, 1971, the petitioner filed her 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.

Horace J. Bower, 6 Walnut Place, stated that he had no objection to Mrs. Anderson continuing the non-conforming use of the property, but questioned whether the house had been sold or was going to be sold.

Statement of Facts

The house involved is located within a Single-residence District, a district in which the desired use of the property is not permitted unless special permission is granted by the Board of Appeal.

The petitioner seeks permission to continue the present non-conforming use of the above-mentioned property and requests that the permit granted by this Board a year ago be renewed. At the hearing the petitioner stated that she has kept the property in good repair during the past year and unless she had had an income from it, she could not have managed it financially. She further stated that she entered into an agreement to sell the property pending the Board of Appeal decision. She feels that the house cannot be sold with a fair financial return as a single-family dwelling, therefore, a real need exists for the continued non-conforming use of the property.

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Decision

The Board feels, from the evidence submitted, that there is a real need for the requested permit to be granted for another year and that a substantial hardship will result to the petitioner if the permit is not granted. While the Board has considered granting the request on an indefinite period, it feels at this time it cannot be done. The petitioner stated that she had entered into an agreement to sell the property, and for this reason, the Board feels that the conditions hereinafter imposed should be reviewed in another year. The second means of egress has been installed to the third floor apartment as required by this Board, however, the off-street parking of cars is still a concern to the Board.

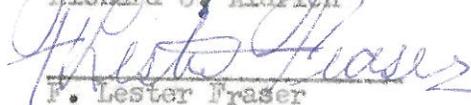
Accordingly, the Board grants permission pursuant to Section XXIV-E of the Zoning By-law, for the property involved to be used as a two-family dwelling, subject to the following conditions:

1. That not more than two families shall occupy the dwelling at any time.
2. That off-street parking spaces shall be used by the petitioner and her tenant, or the subsequent owner of the property and its tenant.
3. That no cars at any time shall be parked in the space between the house and Walnut Street or otherwise so as to obstruct any passageway or public sidewalk by the occupants of the premises or their invitees.
4. That all applicable State and local laws, ordinances and regulations in respect to the premises and the use thereof shall be complied with by the owner of the property and the tenant.
5. That said permit shall expire one year from this date or sooner if the above-mentioned conditions are not complied with.

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Richard O. Aldrich

  
F. Lester Fraser

  
Robert T. Colburn

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