



BOARD OF APPEAL

RICHARD O. ALDRICH
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 William O. Hewett

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APR 27 1973
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 235-1664

Petition of Robert L. DiSchino

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 8:40 p.m. on May 10, 1973, on the petition of Robert L. DiSchino, requesting a variance from the terms of Section IV of the Zoning By-law, which will allow him to convert the existing two-family dwelling located at 144 Linden Street into a three-apartment dwelling. Said request was made under the provisions of Chapter 40A, Section 15, of the General Laws. The petitioner further requested an exception from the terms of Section XVIII, Area Regulations, which requires that there shall be provided a lot containing not less than 5,000 square feet for each family for whose habitation such building is designed or adapted.

On April 23, 1973, 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.

Statement of Facts

The house involved, which was built approximately sixty years ago as a two-family dwelling, is located on a lot of land containing 14,575 square feet and within a General-Residence District requiring a minimum lot area of 10,000 square feet and not less than 5,000 square feet for each family for whose habitation such building is designed or adapted.

At the hearing the petitioner stated that the house involved was built by his family in 1913, and it has been occupied by either his parents or his own family until approximately a year ago. Since then he has been renting it as a two-apartment dwelling. This has presented problems because of the size of the apartment on the first floor. It contains eight rooms and is too large for a small family and undesirable for a family with children because of the danger involved on Linden Street due to the great amount of traffic. The petitioner further explained that while the house could legally be used as a rooming house or lodging house, such use would intensify the present problems and would not be conducive to upgrading the neighborhood.

Permission, therefore, is sought to convert the dwelling into three apartments, by dividing the first-floor apartment into two apartments with each having four rooms. The only change necessary would be the installation of a kitchen in one room on the first floor; the second-floor apartment would remain as it is.

The petitioner further explained that business zoned land extends up to his property on the easterly side where there is now a large office building being constructed. A dwelling house had occupied the lot until recently when it was razed for the construction of the new building. On the westerly side of

Linden Street is the Linden Shopping Center which has been developed within the last ten years. As a result of this development, together with a car wash as well as a number of new retail establishments, the noise and traffic on Linden Street has increased tremendously over the past few years. For these reasons, it is the feeling of the petitioner that conditions affect his property which do not affect generally the district in which the dwelling is located.

Decision

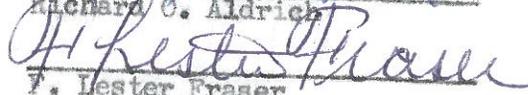
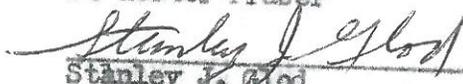
The Board has made a careful study of all pertinent facts in this case and has taken a view of the locus.

In the opinion of the Board, the use of the premises involved as a three-apartment dwelling 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 petitioner. 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.

The property involved is adjacent to business-zoned land on which there is now an office building under construction. Within a few hundred feet, there is industrial-zoned property on both sides of the street where there is commercial and industrial activity, a shopping center, a gasoline station and a lumber yard.

Accordingly, the Board grants the requested variance under the provisions of Chapter 40A, Section 15, of the General Laws, subject to the following conditions:

1. That not more than three families shall occupy the dwelling involved at any one time.
2. That off-street parking spaces shall be provided to accommodate the occupants of the three apartments.
5. That at no time shall there be more than five automobiles parked on the premises.
6. That this Board shall reserve the right to rescind this permit, if it is informed or has reason to believe any of the above-mentioned conditions have been violated.


Richard C. Aldrich

F. Lester Fraser

Stanley J. Glod

Filed with Town Clerk _____

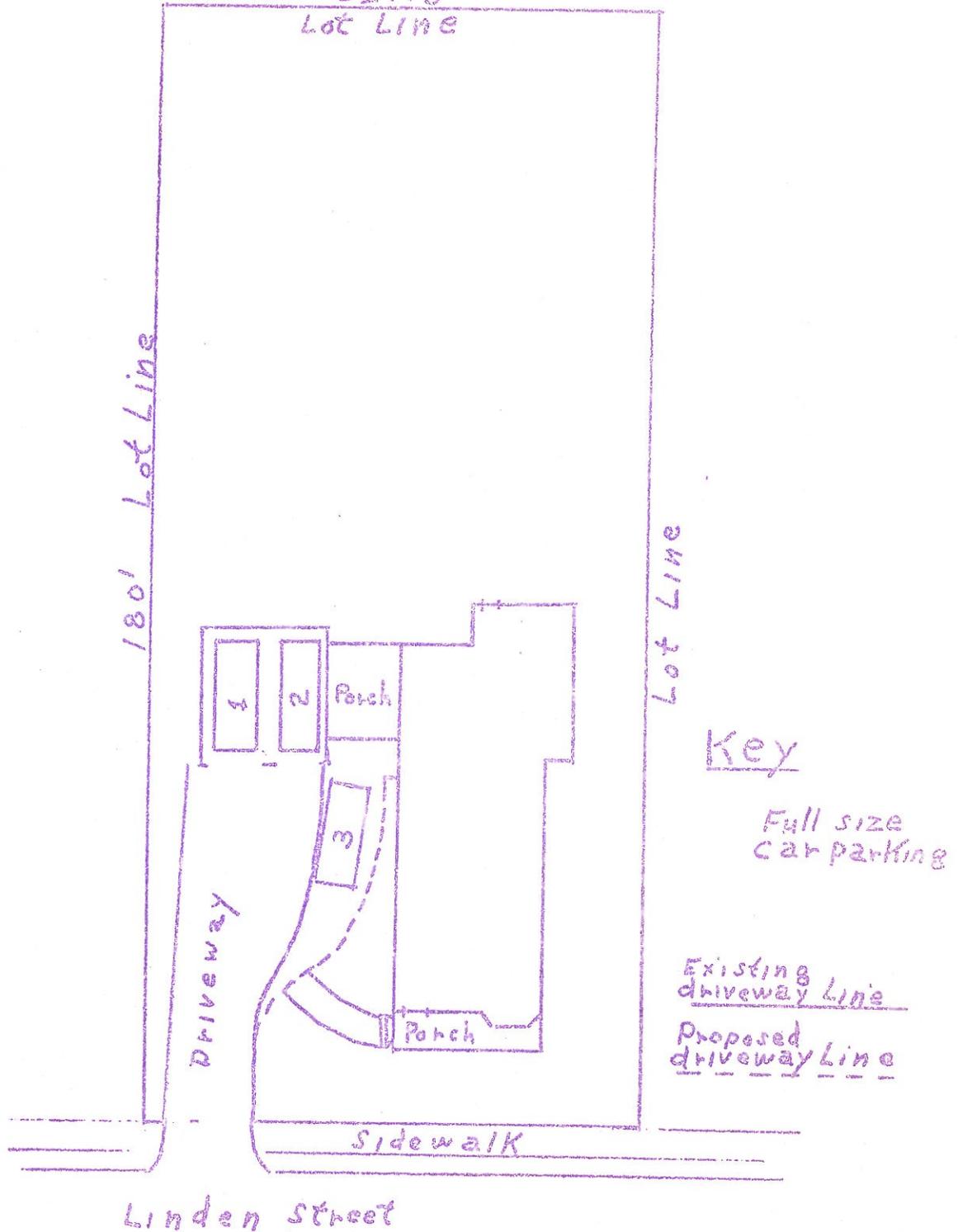
Proposed Parking Changes
for Three Apartment Dwelling
Robert L. Dischino 144 Linden Street Wellesley Mass,

81.03'

Lot Line

180' Lot Line

Lot Line



Key

Full size
car parking

Existing
driveway Line

Proposed
driveway Line

Sidewalk

Linden Street