TOWN OF WELLESLEY MASSACHUSETTS

76-7

BOARD OF APPEAL

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Administrative Secretary
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Petition of Joseph Brogna, Jr.

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 February 19, 1976, on the petition of Joseph Brogna, Jr., requesting permission to continue to use the dwelling at 25 Weston Road as a two-family dwelling as provided under Section II 8 (a) and Section XXIV-E of the Zoning By-law.

On February 2, 1976, the petitioner requested a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

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

Letters were received from Jean Sanford, 14 Norfolk Terrace, Kate Wallace, 8 Norfolk Terrace and Joyce S. Wadlington, 18 Weston Road, all requesting that a restriction be imposed if the permit is granted that Mr. Brogna provide adequate parking space on his premises for his tenant's car as well as his own car.

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 for another year the present non-conforming use of the above-mentioned property, for which a permit was granted by this Board a year ago.

The petitioner stated that when he purchased the property in 1974, it was being used as a two-family dwelling under a special permit and that he purchased it because it was income property. He still needs the income derived from the apartment in order to maintain the property, and he urged the Board to renew the permit. He stated that he had been parking his car across the street, but agreed to park it on his premises in the future.

Decision

It is the opinion of the Board that the continued use of the dwelling involved as a two-family dwelling, in accordance with the permit granted by this Board on May 4, 1972, and subject to the conditions imposed therein, will not substantially reduce the value of any property within the district and will not otherwise injure the neighborhood. It is the further

opinion of the Board that there is still a real need for the continuance of the non-conforming use, for another year.

Accordingly, subject to the following conditions, a permit is hereby granted for the use of the house involved for not more than two families; as provided under Section XXIV-E of the Zoning By-law.

1 That the house shall be occupied by not more than two families and repaired so as to provide facilities for not more than two families. As used herein the word, "family" shall be deemed to mean and include exclusively: "one or more persons comprising immediate kindred, especially the group formed of parents and children and implies father, mother, and immediate blood relatives."

2. That facilites for off-street parking shall be provided for tenants of the property and shall be used by the tenants and their guests; that off-street parking shall be provided for the petitioner's car or cars and shall be used by the petitioner and his family.

3. That no cars shall be parked within the area between the dwelling and Weston Road.

4. That all requirements hereafter made by the Inspector of Buildings and the Chief Engineer of the Fire Department shall be complied with forthwith.

5. That no exterior additions or alterations shall be made to the house involved until and unless permission is obtained from the Board of Appeal.

6. That the use of the premises shall be subject to such regulations as the Board shall from time to time hereafter make or amend.

7. That said permit shall expire one year from this date or if this Board finds that there has been a breach of any of the foregoing conditions.

Francis L. Swift

F. Lester Fraser

William O. Hewett

Filed with Town Clerk _____