



BOARD OF APPEAL

F. LESTER FRASER
 WILLIAM O. HEWETT
 FRANKLIN P. PARKER
 FRANCIS L. SWIFT
 HENRY H. THAYER

KATHARINE E. TOY
 Administrative Secretary
 Telephone
 235-1664

Petition of Jeanne Rutledge

Pursuant to due notice the Permit Granting Authority held a public hearing in the hearing room on the second floor of the Town Hall at 8:10 p.m. on July 7, 1977, on the petition of Jeanne Rutledge, requesting a variance from the terms of Section II of the Zoning By-law, which will allow the premises located at 25 Weston Road to continue to be used as a two-family dwelling, as provided under Section XXIV-D of the Zoning By-law.

On June 9, 1977, the petitioner requested a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

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

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 a variance is granted by this Authority.

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 the Board of Appeal a year ago.

The petitioner stated that she purchased the property in November, 1976. At that time it was being used as a two-family dwelling under a special permit, and she purchased it because it was income property. She stated that she is a single parent with four children, and being head of the household, she needs the income derived from the rented apartment in order to maintain the property. She explained that the area is a mixed residential and multiple dwelling neighborhood and she felt that the two-family use of the house is not detrimental to the area. If the permit is not renewed, she stated, she will be forced to rent a small apartment not suitable for her children.

Decision

It is the opinion of this Authority that the continued use of the dwelling involved as a two-family dwelling, in accordance with the permit granted by the Board of Appeal 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 of the Zoning By-law.

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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 by parents and children and implies father, mother, and immediate blood relatives."
2. That facilities 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 her 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 Permit Granting Authority.
6. That the use of the premises shall be subject to such regulations as this Authority shall from time to time hereafter make or amend.
7. That said permit shall expire one year from this date or if this Authority finds that there has been a breach of any of the foregoing conditions.

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 Francis L. Swift

 Franklin P. Parker

 William E. Polletta

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