

ZONING BOARD OF APPEALS
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Petition of John Hynes

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 p.m. on Thursday, September 17, 1981, on the Petition of John Hynes, requesting a Variance from the terms of Section II of the Zoning Bylaw, which will allow him to continue to use the premises at 637 Washington Street, known as Elms House, as a rooming and lodging house as provided under Section XXIV-D of the Zoning Bylaw.

On August 26, 1981, the Petitioner filed an application for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

The Petitioner, John Hynes, spoke in support of the request at the hearing. Mr. Hynes purchased the house last year from Alma D. Worley, who had operated it as a lodging house since 1958. Mr. Hynes stated that Ms. Worley still occupies the first floor with life tenancy, and that he and five to six tenants occupy the second floor. He is presently renovating the third floor and in the process of installing fire safety equipment as required by the Building Department.

No one was present in favor or in opposition to the request.

Statement of Facts

The property involved is located within a Single Residence District and has been operated as a lodging house since 1958 by Alma D. Worley. Mr. Hynes purchased the property last year and wishes to continue to operate it in the same manner. Ms. Worley still occupies the first floor with life tenancy and Mr. Hynes and five to six tenants occupy the second floor. The third floor is presently being renovated and fire safety equipment is being installed as required by the Building Department. The owner and tenants occupy six parking spaces on Lovewell Lane and two on Washington Street, all parking spaces being on the Hynes property.

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Decision

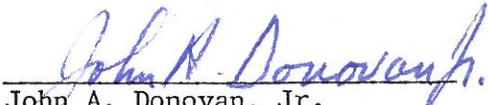
For a number of years, Mrs. Worley, previous owner, has requested and obtained a Variance to operate a rooming house. Mrs. Worley's reasons for requesting a Variance in the past were due to the financial hardship of maintenance costs of a large home. The revenues from roomers gave her an opportunity to continue living in her house.

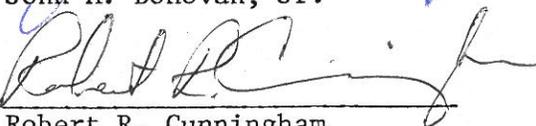
Since the last request, Mrs. Worley sold the property to Mr. John Hynes, who resides at the house. Mr. Hynes, who does have other employment, is not claiming a financial hardship, and appears to be operating the boarding house as a commercial investment. The Board is concerned that this change constitutes a basic change in the character of a house in a Single Residence District. Because of the fact, though, that Mrs. Worley has life tenancy and will continue to live at 637 Washington Street, the Board will renew the Variance for one year.

Accordingly, the requested Variance is granted under the provisions of Section XXIV-D of the Zoning Bylaw for one year from the filing date of this decision, subject to the following conditions:

1. That all applicable laws and ordinances and State and local building and fire code regulations shall be fully complied with.
2. That not more than six (6) lodgers (exclusive of the petitioner and his immediate family and staff) shall occupy the house at any one time and no meals whatever shall be served to lodgers.
3. That no cars shall be parked on either Washington Street or Lovewell Road by guests occupying the house involved at any time.


Stephen S. Porter, Chairman


John A. Donovan, Jr.


Robert R. Cunningham

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