

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

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Petition of Ralph A. Donabed and Sandra T. Donabed

Pursuant to due notice, the Permit Granting Authority held a Public Hearing in the second floor hearing room of the Town Hall at 8:00 PM on Thursday, January 22, 1981 on the Petition of Ralph A. Donabed and Sandra T. Donabed, requesting a Variance from the terms of Section II of the Zoning Bylaw which will allow them to continue to use the premises located at 130 Washington Street as a two-family residence as provided under Section XXIV-D of the Zoning Bylaw.

On January 5, 1981 the petitioners filed their application for a hearing before this Authority and thereafter due notice of the hearing was given by mailing and publication.

Ralph A. Donabed spoke in support of the request at the hearing. There was nobody else present in favor or in opposition to this request.

Mr. Donabed points out that since his purchase of the property the income generated from the apartment has been used to make improvements as well as to defray some of the maintenance expenses. Had these repairs and improvements not been made, it was stated, the house would have significantly deteriorated, therefore its continued use as a two-family will protect it from getting run down. It was stated that without the income from the apartment improvements to the house would not be possible due to the increased heating and maintenance costs and also due to these same reasons it is unlikely that the house will ever be usable as a single-family residence without financial hardship resulting to its owner.

Mr. Donabed requests that the Variance, if allowed, be granted for a two-year period. This extended period would enable the petitioner to approach a bank for home improvement loans in order to make the long term renovations as planned for the house.

Statement of Facts

The house involved is located within a Single Residence District requiring a minimum lot area of 15,000 SF. It is approximately eighty years old, dating back to 1865 and a historic landmark designated by the Historical Society. The house



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is Victorian in nature containing seventeen rooms, six on the first floor and six on the second floor and five on the third floor.

Since 1954, the Zoning Board of Appeals has granted permission to former owners of the property, to use the house as a two-family dwelling under permits granted for one-year and five-year periods.

The present petitioners purchased the property on September 1, 1977 and were granted a Variance by this Authority on November 24, 1978 and on each year up to this point, to continue to use the house as a two-family dwelling for one-year periods. Upon the Donabed's purchase in September of 1977 and since that time they have rented the other apartment to a single woman who has one car. The Donabeds have two cars, so a total of three cars are usually parked on the property even though there is a capacity for five cars. The petitioners now are seeking a Variance which will allow them to continue the non-conforming use.

Decision

It is the unanimous opinion of this Authority that the circumstances in this case have not changes substantially and that undue hardship to the property will result if this request is not granted.

This Authority feels that the continued non-conforming use will not substantially reduce the value of any property within the district and will not otherwise be injurious, obnoxious or offensive to the neighborhood. Therefore, this Authority feels that the desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw. Accordingly, this Authority grants the requested Variance, subject to the following conditions:

1. That the house shall be occupied by not more than two (2) families.
2. That facilities for off-street parking shall be provided for the tenants of the property; and shall be used by the tenants.
3. That this Variance shall be for a term of one (1) year from the date of this decision, or until this Authority shall find that there has been a breach of any one or more of the conditions under which it is issued, whichever comes first.



William F. Cullinane, Chairman



Franklin P. Parker



William E. Polletta