



ZONING BOARD OF APPEALS
TOWN HALL WELLESLEY, MA 02181

JOHN A. DONOVAN, JR., Chairman
ROBERT R. CUNNINGHAM
KENDALL P. BATES

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Executive Secretary
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431-1019

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FRANKLIN P. PARKER
SUMNER H. BABCOCK

TOWN RECEIVED
WELLESLEY, MASS.
SEP 28 1988

ZBA 88-68
Petition of Harold K. Chisholm
6 Woodlawn Oval

Pursuant to due notice, the Permit Granting Authority held a Public Hearing on Thursday, September 15, 1988 at 8 p.m. in the Selectmen's Meeting Room (Conference Room B) of the Town Hall, 525 Washington Street, Wellesley on the petition of HAROLD K. CHISHOLM requesting a finding pursuant to Section XVII and Section XXIV-D of the Zoning Bylaw that the remodeling of an existing attached garage for use as living space at the pre-existing non-conforming dwelling at 6 WOODLAWN OVAL, in a Single Residence District, shall not be more detrimental than the existing use to the neighborhood. This petition was reheard on September 15, 1988 due to absence of a full Board at the August 25, 1988 Public Hearing which nullified said hearing.

On August 8, 1988 the petitioner requested a hearing before this Board and thereafter due notice was given by mailing and publication.

Presenting the case at the hearing was Paula Dunn, daughter of Harold K. Chisholm, who said she would like to remodel the garage as a family room by breaking down the wall between the garage and the kitchen. When questioned by the Board as to the proximity of the abutting neighbor, Ms. Dunn responded that the neighbor was "too close", but that her proposed family room would abut that neighbor's garage. Ms. Dunn added that all of her neighbors supported her request.

No persons present had any comment on the petition with the exception of Ms. Dunn's two daughters who were in favor of the request.

Statement of Facts

The pre-existing non-conforming dwelling with attached garage is located at 6 Woodlawn Oval, in a Single Residence District, on a 7,780 square foot lot with a minimum right side yard clearance of 12.6 feet. The dwelling and the garage were constructed in 1938, the closest point of the garage being 12.6 feet from the right side lot line.

The petitioner is requesting a finding that the proposed change of use of the 228 square foot garage to a family room shall not be substantially more detrimental than the existing non-conforming use to the neighborhood.

A Plot Plan dated July 12, 1988 drawn by Stephen J. Siegl, Jr., Registered Land Surveyor, construction plans and elevations drawn by Paul Sullivan, contractor; and photographs were submitted.

The Planning Board, on August 9, 1988, voted to offer no objection to the request.

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Decision

This Authority has made a careful study of the evidence presented. The subject dwelling with attached garage is a pre-existing non-conforming structure.

It is the finding of this Authority that due to the proximity of the existing garage to the right side lot line and to the abutting neighbor, a change of use from a garage to increased living space as a family room would be substantially more detrimental to the neighborhood than the existing non-conforming use.

Therefore, it is the unanimous opinion of this Authority that this request for a positive finding regarding change of use of a pre-existing non-conforming garage to living space as a family room be denied, and this petition is dismissed.

APPEALS FROM THIS DECISION, IF ANY SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

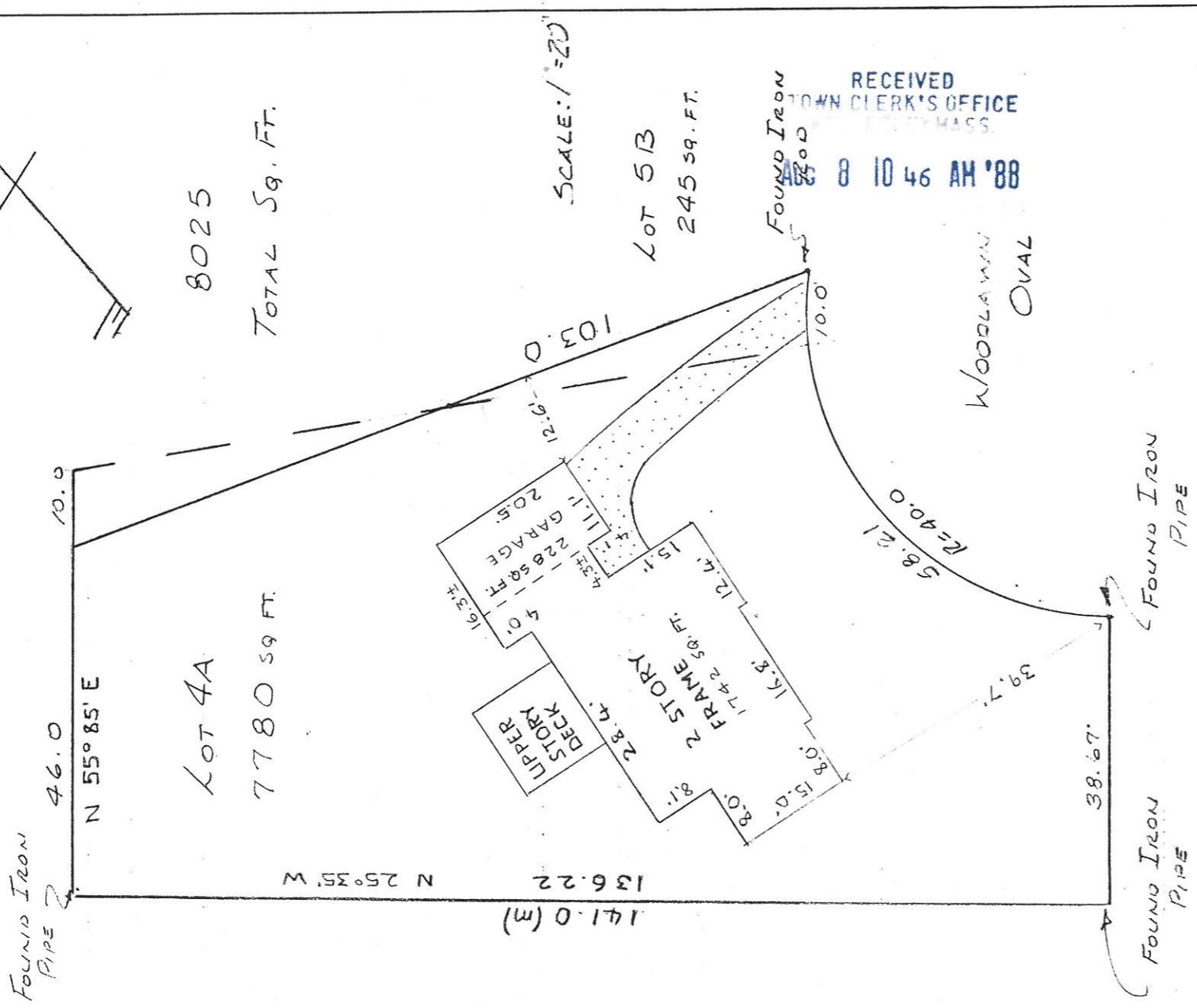
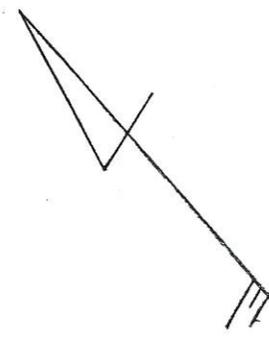
cc: Planning Board
Inspector of Buildings
edg


John A. Donovan, Jr., Chairman


Kendall P. Bates


William E. Polletta

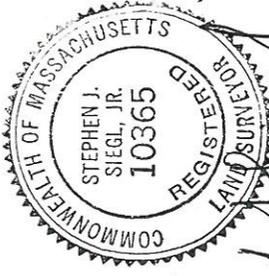
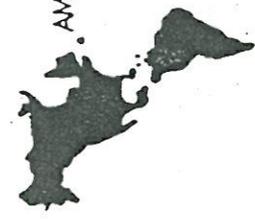
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COUNTY	STATE	RECORDED
Norfolk	Massachusetts	

ADDRESS 6 Woodlawn Oval, Wellesley
PURCHASER Paula Dunn (Owner)



AMERICAN SURVEYING COMPANY
of Boston, Inc.
135 Beaver Street
Waltham, MA 02154
(617) 893-6477

Stephen J. Siegl, Jr.

I DO HEREBY CERTIFY THAT A CAREFUL
SURVEY WAS MADE UNDER MY SUPERVISION
OF THE ABOVE DESCRIBED PROPERTY

FIELD WORK	6/29	DL
DRAFTING	7/8	DL
FINAL CHECK	7-12	SS

DATE 7-12-88
JO 60023388



BUILDING DEPARTMENT

ARTHUR LaCONTE
Inspector of Buildings
Zoning Enforcement Officer
Public Safety Officer

525 Washington St.
Town Offices
431-1019 x228

July 23, 1990

Albert S. Robinson
Town Counsel
40 Grove Street
Wellesley, MA 02181

Re: Request for Legal Action/Zoning Enforcement
6 Woodlawn Avenue - Paula Dunn, Owner of Record

Dear Al:

Acting on a request for information from a member of the town's Assessor's Office, relative to the legality of a conversion of a one-car attached garage to habitable living space, I instructed my office staff to research all pertinent records regarding 6 Woodlawn Avenue.

Research revealed that no required Building, Wiring, or Plumbing Permits were issued by the office for a change of use of the garage in question. Further research revealed that the property owner, Paula Dunn, had, in 1988, petitioned the Board of Appeals for a finding under the guide lines of Section XVII, Non-conforming Use and Structures, for permission to convert the non-conforming garage to habitable living space.

The Board of of Appeals, in their decision dated September 28, 1988, denied the request for the change of use of the pre-existing, non-conforming garage to a family room, and dismissed the petition.

On May 11, 1990, pursuant to a request for entry for inspectional purposes, I, together with Frederick Golden, Inspector of Wires, inspected the garage in question, being accompanied by Mrs. Dunn and her son.

We found the pre-existing, non-conforming garage had indeed been altered and converted to provide new living space in defiance of ZBA decision #88-68, and in violation of the Mass. State Building and Electrical Codes.

On May 18, 1988, a Notice of Violation was mailed to Paula Dunn, notifying her of our findings. The Notice also contained an order to remove all illegal construction and to restore the

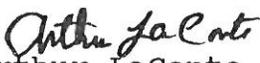
altered garage to its original use within thirty (30) days of said Notice.

On July 5, 1990, having not been notified that my order has been carried out, I mailed another request for entry to inspect the property to ascertain whether, or not, my removal order had been complied with. A time limit of seven (7) days was granted, however it expired on July 12, with no further communication from the owner, Paula Dunn. Therefore, I can only assume Mrs. Dunn does not intend to comply with my restoral order.

Request for Legal Proceedings

As the property owner apparently has not taken action to rectify cited violations within the allotted time limit, I hereby request that you review the enclosed correspondence and, if you are in agreement, I request that you immediately institute legal proceedings to abate the heretofore-stated zoning and other code violations.

Respectfully requested,


Arthur LaConte
Inspector of Buildings

cc: Board of Selectmen
Zoning Board of Appeals

Enc. 5/9/90 - Letter to owner- Request for entry
5/18/90 - Notice of Violation
7/5/90 - Request for status of compliance
Zoning Board of Appeals Decision - #88-68
Copy of Sec. 113.1 & 121.0 - MSBC
ART. 23.9. Town of Wellesley Bylaws
5/14/90 - Letter - Wiring Inspector