

TOWN OF WELLESLEY



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BOARD OF APPEAL

1960 JAN 26 PM 1:04

KATHARINE E. TOY, CLERK
TELEPHONE
CE. 5-1664

Petition of Eleanor Clifton and Ruth L. Bean

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the first floor of the Intermediate Building at 32 1/2 Washington Street at 8:30 p.m. on December 10, 1959 upon the petition of Eleanor Clifton and Ruth L. Bean requesting permission to continue to occupy for residential purposes a portion of the dwelling owned by Charles S. and Kathryn C. Pollina at 6 Wellesley Avenue as provided under Section 7-C of the Zoning By-law.

Paul Jameson, attorney, represented the petitioners at the hearing.

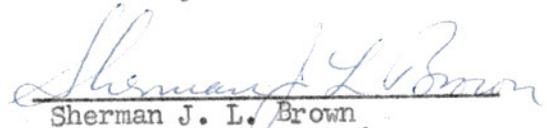
Statement of Facts

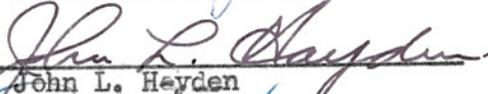
The Misses Clifton and Bean occupy the apartment on the second floor of the house at 6 Wellesley Avenue owned by Dr. Charles S. and Kathryn C. Pollina whose petition for an extension of the temporary permit authorizing him to maintain his dental office at said location although he does not reside there was scheduled to be heard immediately prior to the hearing on this petition.

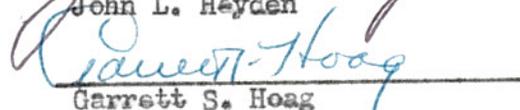
Decision

The two petitions were heard together. This petition raises no question over which this Board has jurisdiction. Neither the Building Inspector nor this Board has threatened or attempted to, or has authority to, terminate their occupancy. Their tenancy is under the owners of the property and violates no by-law of the Town. The violation lies in the maintenance of a professional office in a house in a General Residence District which is not the professional man's residence, without authority of this Board. Neither these petitioners nor Dr. Pollina were in violation at the time of the hearing. As a result of the denial of the extension requested by Dr. Pollina he, not these petitioners, is in violation. His violation can, however, be cured by his removing his office from the premises or by making the house his residence. The election is his not ours to make.

This petition is dismissed for want of jurisdiction.


Sherman J. L. Brown


John L. Hayden


Garrett S. Hoag

Filed with Town Clerk _____