

74-15

TOWN OF WELLESLEY



MASSACHUSETTS

BOARD OF APPEAL

THEODORE C. MERLO
F. LESTER FRASER
WILLIAM O. HEWETT

KATHARINE E. TOY
Administrative Secretary
Telephone
235-1664

Petition of Jay W. Goldman

Pursuant to due notice the Board of Appeal held a public hearing in the hearing room on the second floor of the Town Hall at 8:00 p.m. on June 27, 1974, on the petition of Jay W. Goldman, requesting permission to continue to use the premises located at 156 Walnut Street as a two-family dwelling as provided under Section II 8 (a) and XXIV-B of the Zoning By-law.

On June 4, 1974, the petitioner filed application for a hearing before this Board and thereafter due notice of the hearing was given by mailing and publication.

Henry D. White, attorney, represented the petitioners 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 special permission is granted by the Board of Appeal.

Attorney for the petitioner stated that the house is designed with a suite of six rooms, three rooms on the first floor and three on the second floor with another suite of two and one half rooms on the third floor, and has been as such for four or five years. There is a garage on the premises as well as parking space for two more cars.

It was further stated by the petitioner's attorney that the house has been occupied as a two-family dwelling for the past four years under a special permit granted by the Board of Appeal on a yearly basis, and a renewal of this permit is requested at this time. He stated that, in his opinion, the house is too large for practical use as a single-family dwelling and that it is becoming less attractive as a single-family dwelling due to the increase in traffic and growth of business operations on Walnut Street.

Mr. White urged the Board of act under Section II 8 (a) of the Zoning By-law which would allow the Board to grant the requested permission for an unlimited period, but in the event this is not possible, he requested permission to continue the non-conforming use for another year.

Decision

The Board feels, from the evidence submitted, that there is a real need for the requested permit to be granted for another year and that a substantial hardship will result to the petitioner if the permit is not granted. The change of ownership does not alter the circumstances in this case sufficiently to compel its use to be reduced to one family. While the Board has considered granting the request on an indefinite period under the provisions of Section II 8 (a) of the Zoning By-law, it feels at this time that it cannot be done. In its opinion, the conditions hereinafter imposed should be reviewed in another year.

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At the request of this Board, the petitioner has submitted an affidavit stating that at the time the premises were purchased they were occupied as a two-family house, and they have been so occupied since that time. Said affidavit, dated July 29, 1974, is on file with this Board.

Accordingly, the Board finds that the continued non-conforming use of the dwelling involved will not substantially reduce the value of any property within the district, and will not otherwise be injurious, obnoxious or offensive to the neighborhood, and hereby grants permission pursuant to Section XXIV-E of the Zoning By-law, for the property involved to be used as a two-family dwelling for another year, subject to the following conditions:

1. That not more than two families shall occupy the dwelling at any time.
2. That off-street parking spaces shall be used by the petitioners and his tenant, or the subsequent owner of the property and its tenant.
3. That no cars at any time shall be parked in the space between the house and Walnut Street or otherwise so as to obstruct any passageway or public sidewalk by the occupants of the premises or their invitees.
4. That all applicable State and local laws, ordinances and regulations in respect to the premises and the use thereof shall be complied with by the owners of the property and the tenant.
5. That said permit shall expire one year from this date or sooner if the above-mentioned conditions are not complied with.

Theodore C. Merlo
Theodore C. Merlo

William O. Hewitt
William O. Hewitt

F. Lester Fraser
F. Lester Fraser

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