



47-23

STANLEY W. LEIGHTON, CHAIRMAN
BURTIS S. BROWN
THOMAS M. REYNOLDS

BOARD OF APPEAL

KATHARINE E. TOY, CLERK
TELEPHONE
WEL. 1664

Stanley W. Leighton
Burtis S. Brown
Thomas M. Reynolds

Appeal of Belle Ordis

Pursuant to due notice the Board of Appeal held a public hearing in the Upper Town Hall on Wednesday, September 3, 1947 at 8:45 p.m. to consider the appeal of Belle Ordis from the refusal of the Inspector of Buildings to issue, in pursuance of her application dated August 26, 1947, a permit to build a dwelling and garage at 94A and 100 Cedar Street.

Statement of Facts

The Inspector of Buildings under date of August 26, 1947 notified the appellant in writing that a permit for the proposed buildings could not be granted because the same would violate Section 9-C of the Zoning By-law which requires a 20-foot side yard. On August 26, 1947 the appellant took an appeal in writing from such refusal and thereafter due notice of the hearing was given by mailing and publication.

The plans presented at the hearing showed that the appellant planned to construct a dwelling and garage at 94A Cedar Street which would have side yards of 14' and 15' respectively, and a dwelling and garage at 100 Cedar Street with 10' side yards.

At the hearing the following persons appeared and spoke in favor of granting a variance, Robert Linnell, Nathan Kaplan and Albert Berman, all interested parties.

Felix Juliani, representing Concetta Juliani, 90 Cedar Street, and Earl Polhamus, representing Doris A. Polhamus, 94 Cedar Street, both objected to the granting of a variance on the grounds that the circumstances have not changed since the appellant previously brought the same case before the Board of Appeal in 1940. They still feel that the granting of such a variance would be detrimental to neighboring property.

Mr. Angus McNeil, Chairman of the Planning Board, stated that the Board wished to go on record as opposing the granting of this variance.

The matter was fully heard by the Board of Appeal several years ago. The decision at that time was adverse to the appellant. An appeal was then taken by the appellant to the Superior Court and the finding and decision of the Superior Court sustained the decision of this Board. The matter has since been heard by this Board informally on several occasions.

The Board has again carefully considered the matter and in its opinion the situation has not changed since the earlier disposition of the matter and relief may not now be granted to the appellant without substantial detriment to the public good and without substantially

derogating from the intent and purpose of the zoning by-law.

Accordingly, the granting of a variance is refused and the appeal dismissed and the action of the Inspector of Buildings in denying a permit in this case is sustained.

S W Leighton

S. W. Leighton

Burtis S Brown

Burtis S. Brown

T. M. Reynolds

Thomas M. Reynolds

October 2, 1947

SCALE 1" = 50'

TOWN OF
WATER

WELLESLEY
DEPT.

92-94
POLHAMUS

13,500
SQ. FT.

#90

JULIANI

246.4

118.32

100.93

14222 SQ. FT.

201.46



100

30'

3'

53.40

10' 9"

92A



59.20

18000

61.00

CEDAR

STREET