

TOWN OF WELLESLEY



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WELLESLEY, MASSACHUSETTS

66-46

BOARD OF APPEAL

1966 OCT 17 AM 10:51

~~GARRETT S. HOAG~~

DANA T. LOWELL  
F. LESTER FRASER

Richard O. Aldrich

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Appeal of Germaine Lefeuille and  
Genevieve deB. Merrill, Executrices  
of the Will of Andree Bruel

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 8:30 p.m. on September 29, 1966, on the appeal of Germaine LaFeuille and Genevieve deB. Merrill, Executrices of the Will of Andree Bruel, for a variance from the order of the Inspector of Buildings to relocate the dwelling located at 55 Leighton Road. The reason for such order was that said house stands in violation of Chapter IV, Section 1, of the Building Code (Section 12 of the Building Code in effect when the building was erected in October 1930), which requires that all such buildings shall be placed at least fifty feet from the center line of Leighton Road and not less than ten feet from any party line.

On August 8, 1966, the appellants appealed the order of the Inspector of Buildings and requested a hearing before this Board. Thereafter due notice of the hearing was given by mailing and publication.

Henry D. White represented the appellants at the hearing.

Charles J. McCullough, 59 Leighton Road, favored the appeal.

Statement of Facts

The house involved, which was built in 1930, is located within a single-residence district requiring a minimum lot area of 10,000 square feet.

The appellants seek permission which will allow the dwelling involved to remain in its present location 29' from Leighton Road rather than the required 30', and eight feet from the boundary line on the southerly side rather than ten feet as required by the Building Code at the time the house was erected. The house is now being sold and the bank engineers have checked the location of the dwelling and have revealed the slight violation.

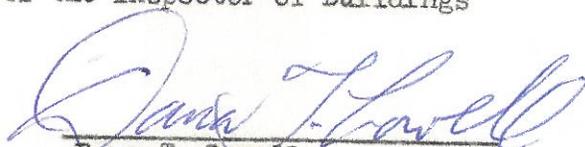
A plot plan drawn by MacCarthy Engineering Service, Inc., Natick, Mass. which showed the lot involved with the house thereon, was submitted and is on file with this Board.

Decision

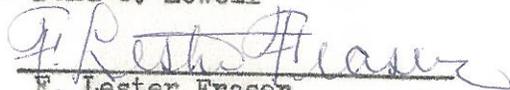
It is the opinion of this Board that the violation of the set-back from the street and the lot side line was due to error and that the correction of this violation would result in manifest injustice to the appellants. It is the further opinion of this Board that the requested relief may be granted without derogating from the intent or purpose of the Zoning By-law.

Accordingly, the requested variance is authorized and granted under the provisions of Chapter I, Section 10, of the Building Code, and the dwelling involved may remain in its location as shown on the plan submitted

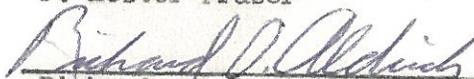
and on file with this Board, and the order of the Inspector of Buildings to relocate said dwelling is annulled.



Dana T. Lowell



F. Lester Fraser



Richard O. Aldrich

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