



BOARD OF APPEAL

RICHARD O. ALDRICH
 DANA T. LOWELL
 F. LESTER FRASER

KATHARINE E. TOY, CLERK
 TELEPHONE
 235-1664

Appeal of Lee N. Nathanson and
 Joan B. Nathanson

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 8:25 p.m. on February 23, 1967, on the appeal of Lee N. Nathanson and Joan B. Nathanson, for a variance from the order of the Inspector of Buildings to relocate the garage located at 55 Leighton Road. The reason for such order was that said garage stands in violation of Chapter IV, Section 1 (b) of the Building Code (Section 12 of the Building Code in effect which the building was erected in October 1930), which requires that all such buildings shall be placed at least ten feet from any party line.

On February 6, 1967, 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.

A letter of approval was received from Charles J. McCullough, 59 Leighton Road.

Statement of Facts

The garage 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 garage involved to remain in its present location nine feet from the boundary line rather than ten feet as required by the Building Code at the time the garage was erected. The error was discovered recently when the house was being sold. It was also found at that time by the bank engineers that the house on the lot was also standing in violation. This Board granted a variance for this slight violation in the location of the house in October 1966.

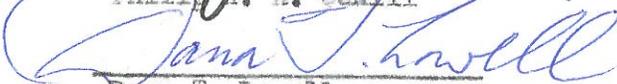
Decision

It is the opinion of this Board that the violation of the set-back from the boundary 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 garage involved may remain in its location as shown on the plan submitted and on file with this Board, drawn by MacCarthy Engineering Service, Inc., Natick, Mass.,

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and the order of the Inspector of Buildings to relocate said garage is
annulled.


Philip A. R. Cahill

Dana T. Lowell

Robert T. Colburn

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JOAN GREENGLASS CLERK
MELFESTER, NASS

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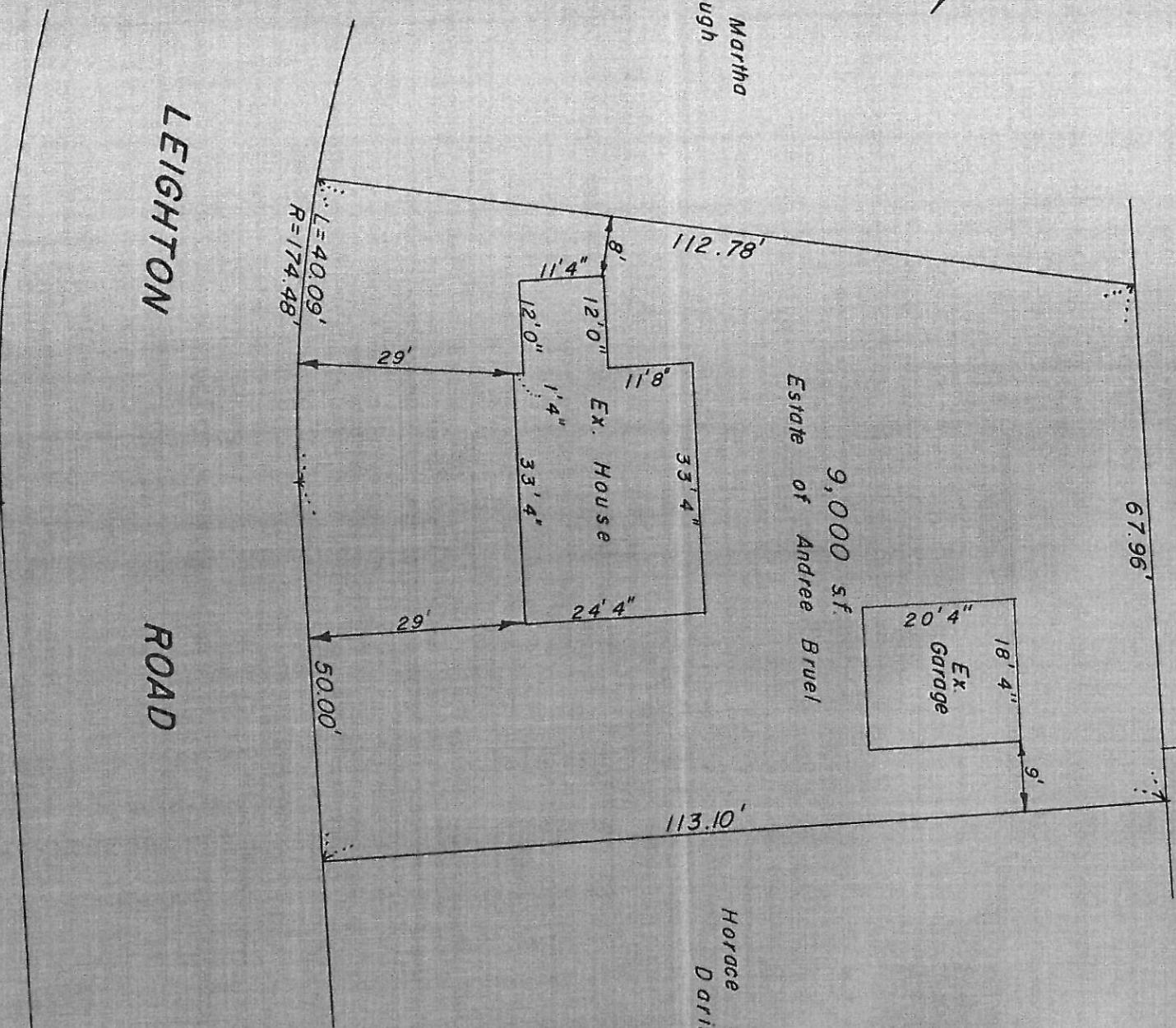
Paul J. & Winifred G. Zilles

Ethel A. & Elizabeth M. Deneill

Charles J. & Martha McCullough

Horace & Maude B. Darrington

Estate of Andree Bruel
9,000 sf.



LEIGHTON

ROAD

Approved by
Wellesley Board of Appeals

Date: _____

Plan of Land in Wellesley, Mass.

Scale 1" = 20'



September 14, 1966

Plan by:

McCarty Engineering Service Inc. Natick, Mass.