



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

BOARD OF APPEAL

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

Appeal of Samuel Castleman

Pursuant to due notice the Board of Appeal held a public hearing in the Upper Town Hall at 8:00 p.m. on May 3, 1950 on the appeal of Samuel Castleman from the refusal of the Inspector of Buildings to issue a permit to him to build a dwelling at 100 Cedar Street.

Statement of Facts

The Inspector of Buildings under date of March 30, 1950 notified the appellant in writing that a permit for the proposed building 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 March 30, 1950 the appellant took an appeal in writing from such refusal, and thereafter due notice of the hearing was given by mailing and publication.

The appellant appeared at the hearing and explained that he had purchased the property in question and desired to construct a dwelling on the present foundation. Plans of the proposed house were submitted which showed that the house would have side yards of ten feet and twenty feet respectively. Mr. Castleman stated that he had acquired a ten-foot strip of land from the Town of Wellesley which enabled him to provide the required twenty-foot side yard on one side. He explained further that there would be approximately thirty-five feet between the proposed house and the next dwelling.

Speaking in opposition to the granting of the variance were: Felix Juliani, representing Concetta Juliani, 90 Cedar Street, Doris A. Polhamus, 94 Cedar Street and Mr. and Mrs. Wilbur R. Hansford, 90 Cedar Street. All felt that the circumstances had not changed since the previous owner of the property had brought an appeal before the Board of Appeal in 1947 requesting a similar variance. They still feel that the granting of such a variance would be detrimental to neighboring property.

Mr. Arthur K. Burleigh, Chairman of the Planning Board, stated that the Board was opposed to the granting of this variance, and suggested that the foundation be torn down and a new building started to conform with the Building and Zoning By-laws.

Decision

The matter was fully heard by the Board of Appeal in 1940 and again in 1947, and the decision both times 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 Board has again carefully considered the matter, and in its opinion the situation has not changed substantially since the earlier dispositions 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

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B. S. Brown

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T. M. Reynolds

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June 7, 1950.