



## BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

## Appeal of Lawrence Wharton-Bickley

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 8:15 p.m. on May 25, 1967, on the appeal of Lawrence Wharton-Bickley, for a variance from the order of the Inspector of Buildings to relocate the dwelling located at 65 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 1931), 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 April 6, 1967, the appellant 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 H. Thayer, Attorney, represented the appellant at the hearing.

A letter favoring the granting of the request was received from Albert W. Ferre, 69 Leighton Road.

Statement of Facts

The dwelling involved, which was built in 1932 pursuant to a permit granted on December 29, 1931, on a lot of 7,900 square feet, is located within a single-residence district now requiring a minimum lot area of 10,000 square feet.

The appellant seeks permission which will allow the dwelling involved to remain in its present location nine feet from the lot side lines rather than ten feet as required by the Building Code at the time the dwelling was erected. The error was discovered recently when the house was to be sold.

It was pointed out that the appellant's predecessors in title did not knowingly cause this building to be erected in violation of the then existing Building Code, and that during the time the building has been upon the lot, its location in relation to the lot lines has not caused a hazardous condition to exist as contemplated by the then existing Building Code.

A plot plan drawn by R. S. Wharton and C. M. Thrasher, Natick, Mass., dated April 1, 1967, which showed the lot involved with the house thereon, was submitted and is on file with this Board.

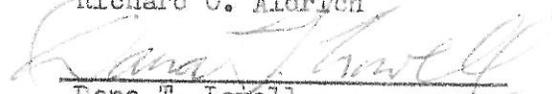
Decision

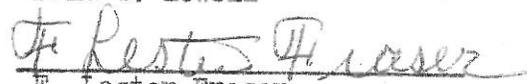
It is the opinion of this Board that the violation of the set-back from the side boundary lines was due to error and that the correction of this violation would result in manifest injustice to the appellant. It is the further opinion of this Board that the requested relief may be granted without derogating

from the intent or purpose of the by-law in effect when the dwelling was built.

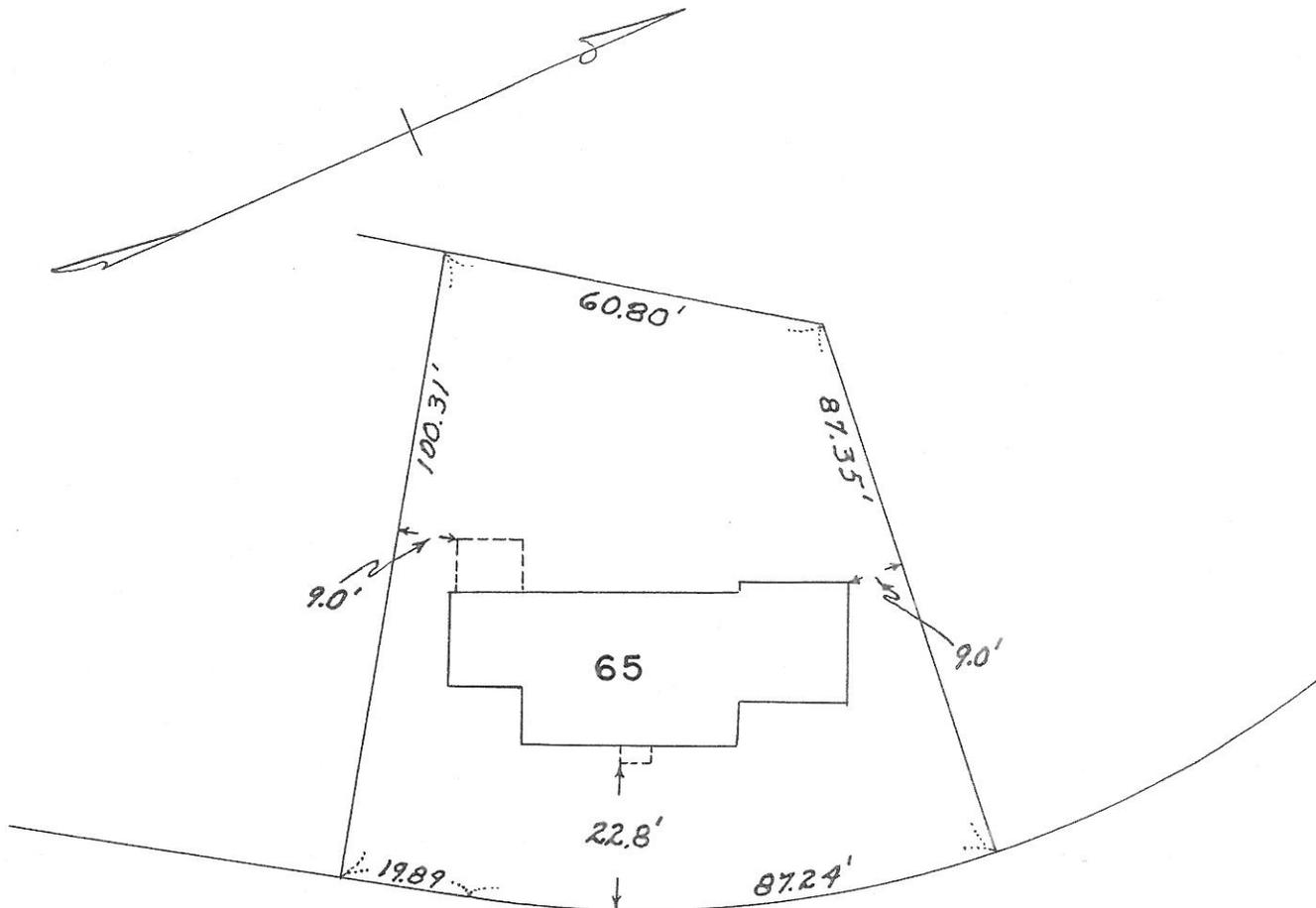
Accordingly, the requested variance is authorized and granted under the provisions of Chapter I, Section 10, of the Building Code, and the dwelling involved may remain in its location as shown on the plan submitted and on file with this Board, and the order of the Inspector of Buildings to relocate said dwelling is annulled.

  
Richard G. Aldrich

  
Dana T. Lowell

  
F. Lester Fraser

Filed with Town Clerk \_\_\_\_\_



**LEIGHTON**

**ROAD**

**HOUSE CERTIFICATION PLAN**

OF LAND IN

**WELLESLEY, MASS.**

**R. S. WHARTON & C. M. THRASHER**

**LAND SURVEYORS**

**NATICK, MASS.**

**SCALE 1 IN. = 30 FT.**

**APRIL 1, 1967**

NOTE: THIS IS NOT A RECORD PLAN.

I CERTIFY THAT THE BUILDING ON THIS PROPERTY IS LOCATED AS SHOWN ABOVE, ~~AND~~  
~~COMPLIES WITH THE BUILDING AND ZONING LAWS OF THE TOWN OF~~

*Robert S. Wharton*