

TOWN OF WELLESLEY



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67-23

BOARD OF APPEAL

1967 JUL 31 AM 10:50

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

KATHARINE E. TOY, CLERK  
TELEPHONE  
235-1664

Appeal of Charles H. and Pearl M. Boyd

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 8:20 p.m. on May 25, 1967, on the appeal of Charles H. and Pearl M. Boyd from the refusal of the Inspector of Buildings to issue a permit to them to construct a dwelling and garage at 69 High Ledge Avenue. The reason for such refusal is that said dwelling would violate Chapter IV, Section 1 (a) of the Building Code which requires that Type V buildings shall be placed at least fifty feet from the center line of any public or private street.

Charles H. Boyd spoke in support of the appeal.

On April 10, 1967, the Inspector of Buildings notified the appellants that a permit for the proposed dwelling could not be issued for the above-mentioned reason, and on the same date the appellant took an appeal in writing from such refusal. Thereafter due notice of the hearing was given by mailing and publication.

Statement of Facts

The lot involved which contains 12,828 square feet is located within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The appellants seek permission to construct a dwelling and attached garage 28' x 42', thirty feet from High Ledge Avenue and forty feet from the center of the street rather than the required fifty feet, Highledge Avenue being only 20' in width. Although the lot contains 12,838 square feet, it is an irregular shaped lot with a frontage of 191.80', a depth of 80.93' on the southerly side and only 52.20' on the northerly side, which prevents a house of reasonable size from being placed on it with the required setbacks. The proposed dwelling will comply in location to all other requirements.

A plot plan was submitted, drawn by Gleason Engineering Company, dated March 30, 1967, which showed the location of the proposed dwelling and garage on the lot.

Decision

This is an appeal requesting a variance from the provisions of Chapter IV, Section 1 (a) of the Building Code which would permit the erection of a dwelling and attached garage forty feet from the center of the street rather than the required fifty feet.

Upon examination of a plan of the neighborhood, it appears that the area involved has been generally developed by the construction of houses closer to the street line and the center line of the street than required by the Building Code. The majority of houses are located closer than the requested setback of the proposed dwelling.

For these reasons, it is the opinion of the Board that to insist on compliance with the requirements of Chapter IV, Section 1, of the Building Code would cause manifest injustice to the appellant and that a variance may be granted without detriment to the public good and without substantially derogating from the intent and purpose of the Building Code.

Accordingly, the variance is granted and the Inspector of Buildings is authorized to issue a permit for the construction of a dwelling and attached garage on said lot in accordance with the plan submitted and on file with this Board.

*Richard O. Aldrich*  
Richard O. Aldrich

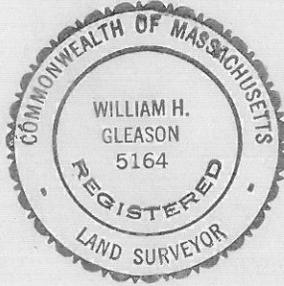
*Dana T. Lowell*  
Dana T. Lowell

*F. Lester Fraser*  
F. Lester Fraser

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

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PLAN OF LAND  
IN  
**WELLESLEY, MASS.**  
**CHARLES H. & PEARL M. BOYD**  
SCALE 40 FEET TO AN INCH  
MARCH 30, 1967.  
GLEASON ENGINEERING COMPANY

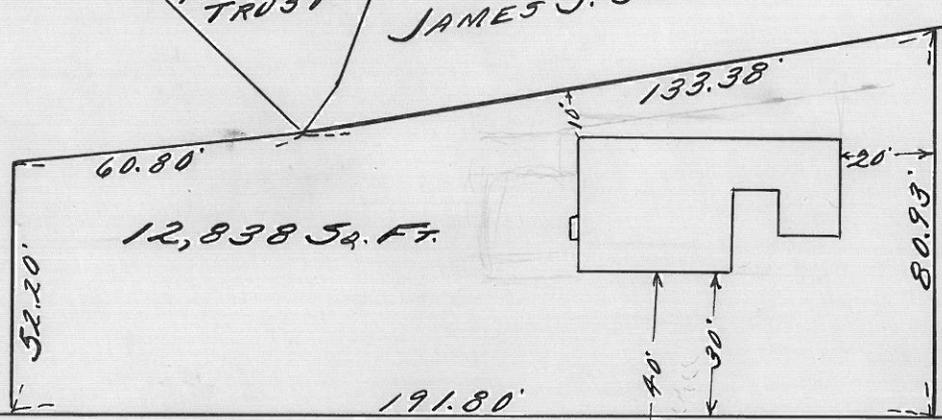


EVANGELOS  
PAPPASTATHIS  
TR. CARBONE  
REALTY  
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RICHARD M. &  
JANE M. WHEELER

PETER J. &  
HELEN T. GERRARD



CENTER LINE

HIGH LEDGE AVENUE