



BOARD OF APPEAL

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

KATHARINE E. TOY, CLERK
 TELEPHONE
 235-1664

Appeal of C. Perry and Shirley B. Norton

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 8:10 p.m. on August 17, 1967, on the appeal of C. Perry and Shirley B. Norton, from the refusal of the Inspector of Buildings to issue a permit for the construction of a tool house on their property at 190 Washington Street. The reason for such refusal was that said building would violate Chapter IV, Section 1 (b) and (c) of the Building Code which requires that the exterior walls of a Type V building shall be at least ten feet from any party line, and at least twenty feet from the similar walls of another such building on the same lot.

On June 30, 1967, the Inspector of Buildings notified the appellants in writing that a permit for the proposed construction could not be issued for the above-mentioned reasons and on the same date the appellants took an appeal from such refusal. Thereafter due notice of the hearing was given by mailing and publication.

C. Perry Norton spoke in support of the appeal at the hearing.

A letter opposing the granting of the request was received from Marie Barton, 192 Washington Street.

Statement of Facts

The house involved is located on a lot of land containing 11,820 square feet, within a Single-residence District requiring a minimum lot area of 10,000 square feet.

The appellants seek permission to construct a garden tool house 8' x 10' on the southerly side of their dwelling. If built, it will lie 11.5' from the southeasterly corner of the house and one foot from the lot line on the southerly side. It was stated at the hearing that the appellants have four children and they have need for an accessory building such as is proposed for the storage of garden tools as well as other miscellaneous items. The proposed location appears to be the only practical place for it as the rear yard is small and most of it is used as a children's play area. It will be attractive and should not prove detrimental in any way to surrounding properties.

A plot plan was submitted, drawn by Gleason Engineering Company, dated June 29, 1967, which showed the existing dwelling on the lot as well as the proposed tool house.

Decision

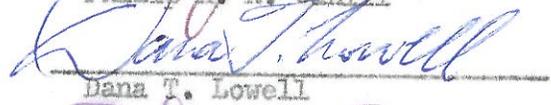
Mr. Lowell feels, from the evidence submitted and a view of the locus, a variance may be granted, providing the tool house is located at least twenty feet from the existing dwelling on the lot. In his opinion, manifest injustice may result to the appellants unless the requested variance is granted, and this specific case was not contemplated by the provisions of

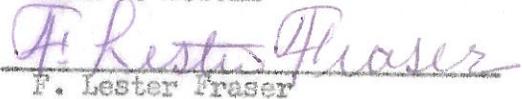
the Building Code at the time of its adoption.

Messrs. Cahill and Fraser, however, do not agree. In their opinion, Chapter IV, Section 1 (b) and (c) did contemplate its application in a case such as this and to allow the proposed wooden tool house to be located only one foot from the lot line would create a fire hazard especially because of the nearness of the house on the adjacent lot to the lot line. They cannot find that manifest injustice will result to the appellants if the request is denied. In their opinion, after viewing the locus, the building can be located elsewhere on the lot with ample space remaining for a play area.

Accordingly, the appeal is denied and the case dismissed.


Phillip A. R. Cahill

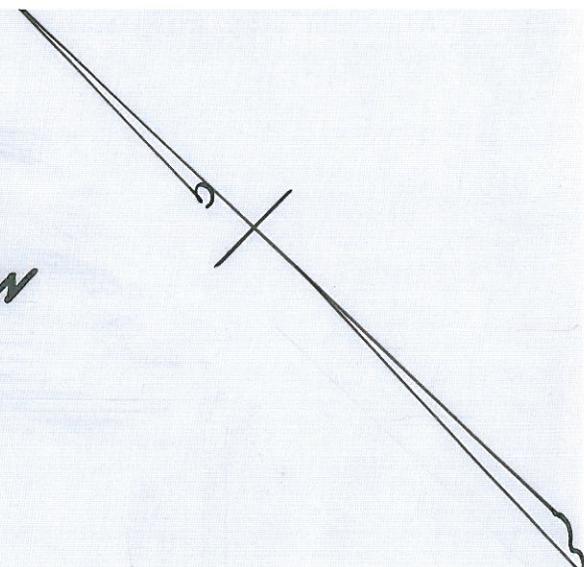

Dana T. Lowell


F. Lester Fraser

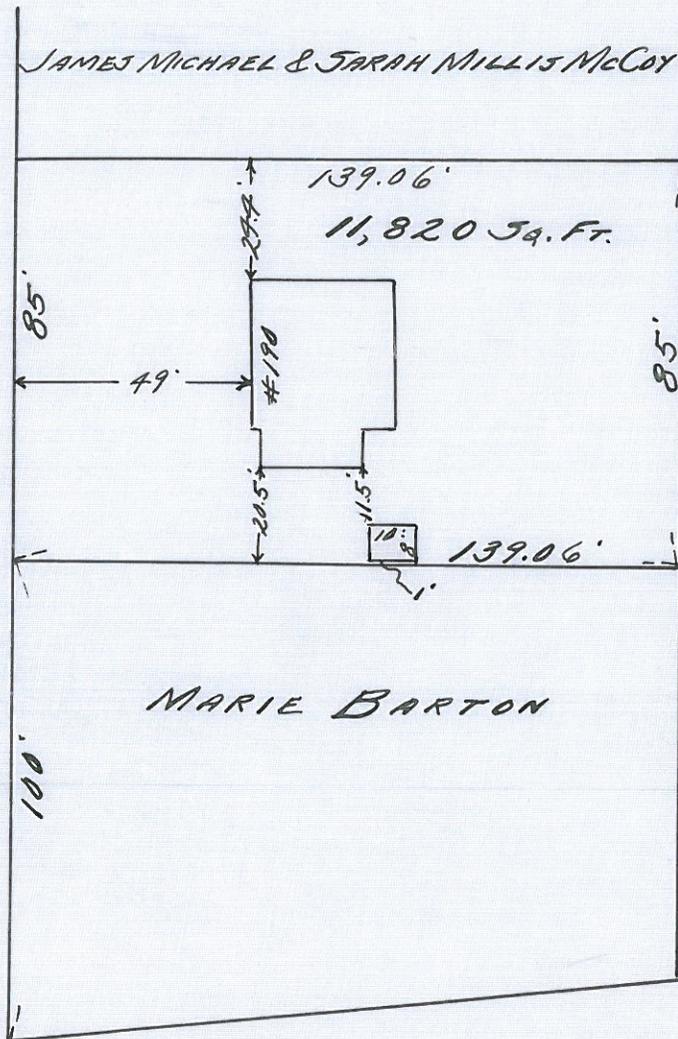
Filed with Town Clerk _____

PLAN OF LAND
IN
WELLESLEY, MASS.
OWNED BY
C. PERRY & SHIRLEY B. NORTON

SCALE 40 FEET TO AN INCH
JUNE 29, 1967.
GLEASON ENGINEERING COMPANY



WASHINGTON STREET



JAMES MICHAEL & SARAH MILLIS MCCOY

139.06'
11,820 Sq. Ft.

85'
49'
29.2'
20.5'
11.5'
8'
139.06'

MARIE BARTON

ROBERT J. & MARY E.
McDOWELL

JOHN C. SR. & MADEIRA L. GILL

WOODLAWN AVENUE