



City of Waltham

COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

LEGAL NOTICE

DATE FILED: August 13, 2014

THE ZONING BOARD OF APPEALS OF THE CITY OF WALTHAM WILL HOLD A PUBLIC HEARING IN THE GOVERNMENT CENTER, 119 SCHOOL STREET, WALTHAM, MA ON SEPTEMBER 16, 2014 AT 7:00 P.M. ON THE FOLLOWING:

Case #: 2014-20. **Petitioner /Owner:** Yueh-O Jane Parker. **Nature of Appeal:** Appeal Decision of Building Inspector. **Subject Matter:** The locus consists of a parcel of land known and numbered as 528 Lexington Street. The property at 528 Lexington Street has been used and maintained as a two-family dwelling since 1946. The Petitioner is appealing the denial of a building permit for the property by the Inspector of Buildings. The denial is based on his finding that the second unit is illegal. The Petitioner contends that the use of the property as a two family is a permitted and legal use. The Petitioner contends that the use is legal and that they are entitled to a building permit to remodel the property. Alternatively, the Petitioner contends that any alleged illegality has continued unabated since a building permit was issued for two units in 1986. **Location and Zoning District:** 528 Lexington Street; Residence A-3 Zoning District. **Provisions of Zoning Ordinance Involved:** Article VII, §7.31, §7.41, G.L. c.40A §7. **Specific Manner in Which Subject Matter Varies From Zoning Ordinance:** On July 15, 2014, the Acting Inspector of Buildings for the City of Waltham issued an opinion or ruling to the Petitioner which denied her a building permit to remodel an existing second dwelling unit at 528 Lexington Street. The Building Inspector found that the second dwelling unit is illegal as it is in a single family zone and further issued a cease and desist to cease using the second unit. The Petitioner contends that property is an approved two family dwelling, originally approved by the ZBA in 1946 and further permitted by building permit and subsequent Certificate of Occupancy issued for the use in 1986. The property has been used as a two family since 1946 to the present date. Further information and plans concerning this case may be viewed at the Zoning Board of Appeals' Office, 119 School Street, Waltham, Massachusetts 02451; Hours: Monday - Friday 8:30-4:30. **MEMBERS:** Chair Barbara Rando, Michael Cotton, Mark Hickernell, John Sergi, Glenna Gelineau. **ASSOCIATE MEMBERS:** Edward McCarthy, Oscar LeBlanc, Marc Rudnick, Michael Squillante, Gordon LaSane.