



# City of Waltham

COMMONWEALTH OF MASSACHUSETTS

## ZONING BOARD OF APPEALS

### LEGAL NOTICE

DATE FILED: December 15, 2016

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 January 24, 2017 AT 7:00 P.M. ON THE FOLLOWING:

**Case #:** 2016-47. **Petitioner/Owner:** R & A Realty Trust, Ralph P. Amelia, Trustee. **Nature of Application/Petition:** Application for Variances and Petition for Special Permit. **Subject Matter:** The Petitioner seeks to renovate the second floor of an existing two-story commercial building in a Business C district, currently underutilized as vacant, unimproved office space. The Petitioner proposes to convert the second floor office space into one (1) residential apartment unit. The First floor of the building will retain its use as a commercial storefront. The Petitioner is not seeking to renovate the exterior of the building or to increase the buildable space. **Location and Zoning District:** 86 Maple Street a/k/a 469-489 Moody Street; Business C Zoning District. **Provisions of Zoning Ordinance Involved:** Article III, Section 3.4 (1) – separate entrances for residential uses; Article IV, Section 4.215 – more than one building on a single lot. Article IV, Section 4.11 – Setback requirements for rear of structure; Article V, section 5.232 – parking requirements. **Specific Relief Sought:** Article III, Section 3.4(1) requires separate entrances (from Commercial Entrances) in a Business C District. Here, the existing commercial building utilizes separate entrances for each floor within the interior lobby space. Article IV, Section 4.215 prohibits more than one building available for dwelling purposes on a single lot. A variance is warranted because the property cannot meet the parking requirements if the land is divided into separate parcels thereby creating a hardship. Article IV, Section 4.11, Table of Dimensions, requires 25 foot rear setbacks. Presently, 86-88 Maple has a setback of 4.41 feet, while 469-489 Moody has a setback of 4.77 feet. Article V, Section 5.232 requires 1.25 spaces per unit. There are 20 existing units and one proposed units, requiring 27 spaces. There are presently 35 spaces provided for parking on the parcel. These spaces are existing legal non-conforming parking space which included the parking spaces for the 2<sup>nd</sup> floor office space which is proposed to be remodeled into residential space. 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, Sarah Hankins.