



# City of Waltham

COMMONWEALTH OF MASSACHUSETTS

## ZONING BOARD OF APPEALS

### LEGAL NOTICE

DATE FILED: October 4, 2012

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 OCTOBER 30, 2012 AT 7:00 P.M. ON THE FOLLOWING:

**Case No.:** 2012-23. **Petitioner/Owner:** Paul R. Leonelli and Theresa A. Leonelli, as Trustees for Leonelli Realty Trust. **Nature of Application/Petition:** Application for a Variance and Special Permit. **Subject Matter:** The locus consists of an existing parcel of land situated at 26 Douglas Road. A single family residence is situated thereon. Petitioners propose to construct, use and maintain a small addition to the rear of the existing structure. The addition shall expand the first floor living area for the family. **Location and Zoning District:** 26 Douglas Road, Residence A-4 Zoning District. **Provisions of Zoning Ordinance Involved:** Article III, Section 3.7222 and Article IV, Section 4.11. **Specific Manner in Which Subject Matter Varies from Zoning Ordinance:** Section 3.722 and 3.7222 state that nonconforming structures, uses, buildings and land may be altered or enlarged in that use to an extent not exceeding 10% of the ground floor area of the building or area of land used at the time of the passage of this chapter when a special permit has been granted by the board of Appeals for such alteration or enlargement. The lot area on which the structure is situated is 6,216 square feet. The lot was created in 1940 and the single family was constructed in 1942. The lot area is nonconforming due to the current lot area requirement of 7,000 square feet. Here, the Petitioners propose to alter or enlarge the existing nonconforming building on the nonconforming lot by razing a portion of the building, the 12' x 16' deck, and then adding a 17' x 18.5' addition. The net increase in floor area is 122.50 square feet. The alteration or enlargement shall equal less than 10% of the area of land used. Section 4.11 states that lots in a Residence A-4 Zoning District shall have a rear yard setback of 30 feet. Section 4.2181 (b) further reduces the rear yard setback to 25 feet. Here, the proposed rear yard setback with the addition shall be  $\pm 22.21$  feet. 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.