



City of Waltham

COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

LEGAL NOTICE

DATE FILED: October 10, 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 NOVEMBER 13, 2012 AT 7:00 P.M. ON THE FOLLOWING:

Case No.: 2012-24. **Petitioner/Owner:** Shaun and Debra Campana. **Nature of Application/Petition:** Appeal from Decision of Building Inspector, Application for Special Permit and Application for a Variance. **Subject Matter:** The locus consists of an existing parcel of land situated at 12 Mountain Road. Petitioners propose to construct, use and maintain a detached two-car garage to the rear of the existing structure. **Location and Zoning District:** 12 Mountain Road, Residence A-2 Zoning District. **Provisions of Zoning Ordinance Involved:** Article III, Sections 3.7222 and 3.7225; Article IV, Section 4.11; and Article VII, Section 7.31. **Specific Manner in Which Subject Matter Varies from Zoning Ordinance:** (1) On October 3, 2012, a Building Inspector for the City of Waltham issued an opinion that the Petitioners need to obtain a Special Permit at the Zoning Board of Appeals to construct a detached two-car garage. The Petitioners contend that the two-garage shall not increase the nonconforming nature of the locus and therefore no zoning relief is needed, §3.7225. The Petitioners appeal the finding of the Building Inspector dated October 3, 2012. (2) §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 11,978 square feet as surveyed and 12,090 square feet by deed. The lot was created in 1952 and the single family was constructed in 1953. The lot area is nonconforming due to the current lot area requirement of 15,000 square feet. Here, the Petitioners propose to alter or enlarge the existing nonconforming lot by constructing, using and maintaining a detached two-car garage on the locus. The net increase in floor area is 695 square feet. The alteration or enlargement shall equal less than 10% of the area of land used. (3) §4.11 states that structures in a Residence A-2 Zoning District shall have a maximum lot coverage of 20%. Here, the proposed lot coverage with the detached garage shall be 20.5%. 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.