



City of Waltham

COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

LEGAL NOTICE

DATE FILED: October 30, 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 DECEMBER 18, 2012 AT 7:00 P.M. ON THE FOLLOWING:

Case No.: 2012-28. **Petitioner/Owner:** WJK Realty Trust, William and Mary Kelly, Trustees. **Nature of Application/Petition:** Application for Variances- Rear yard setback and Application for Special Permit – to alter non-conforming structure. **Subject Matter:** The locus consists of an existing parcel of land at 7 Virginia 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 add a first floor bedroom to the first floor living area. **Location and Zoning District:** 7 Virginia Road, Residence A-3 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:** (1) Section 3.722 and Section 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 7,500 square feet. The lot was created in 1927 and the single family was constructed in 1957. The lot area is nonconforming due to the current lot area requirement of 9,600 square feet. Here, the Petitioners propose to alter or enlarge the existing nonconforming building on the nonconforming lot by adding a 16 foot x 14.5 foot addition. A first floor bedroom is proposed therein. The floor area of the addition is 232 square feet. This alteration or enlargement shall equal less than 10% of the land area used. The proposed addition shall also extend into the nonconforming westerly side yard setback. (2) Section 4.11 states that structures in a Residence A-3 Zoning District shall have a rear yard setback of 30 feet. Here, the proposed rear yard setback with the addition shall be 25.9± 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.