



City of Waltham

COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

LEGAL NOTICE

DATE FILED: November 20, 2017

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 9, 2018 AT 7:00 P.M. ON THE FOLLOWING:

Case #: 2017-43. **Petitioner/ Owner:** Elisabeth F. Rosen. **Nature Of Appeal/Petition:** Application for Variances- Side Yard Setback and Appeal Decision/Order of the Inspector of Buildings. **Subject Matter:** The Petitioner proposes to construct, use and maintain a small deck off the east side of her existing single family residence. The deck will replace an existing deck. **Location and Zoning District:** 441 Lincoln Street; Residence A-3 Zoning District. **Provisions Of Zoning Ordinance Involved:** § 4.11, §4.2181, §4.219, §3.72241, §3.7225, §7.31, §7.4, GL c. 40A §§6, 7, 8. **Specific Relief Sought:** (1) By letter dated November 8, 2017, the Inspector of Buildings sent a Revised Stop Work Order to Elisabeth F. Rosen. It provides that the Building Permit #P201840409 was issued in error and revokes same. We appeal this revocation as the proposed deck replaces a pre-existing deck and does not extend into the pre-existing side yard setback. The deck itself meets the setback requirements of §4.2181 or §3.72241 and §3.7225. See Revised Stop Work Order dated November 8, 2017 attached. (2) §4.219 provides that a single family residence with unroofed porch may extend into a required side yard provided that at no point shall the actual side yard area setback be less than 1/2 of the minimum yard area setback otherwise required for the district in which the structure was built. Here, the required side yard under §4.2181 applicable to small lots is 5 feet. This proposed side yard is 5 feet. The Inspector of Buildings however has determined that the required side yard is 15 feet under §4.11 and therefore a 7 '6" setback is required. We appeal this determination. (3) §4.11 provides that lots in a Residence A-3 Zoning District shall have a side yard setback of 15 feet. Here, the deck shall have a 5 foot side yard setback. 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.