



City of Waltham

COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

LEGAL NOTICE

DATE FILED: March 19, 2018

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 April 24, 2018 AT 7:00 P.M. ON THE FOLLOWING:

Case #: 2018-10. **Petitioner/Owner:** Woerd Sub, LLC c/o Hilco Real Estate, LLC
Nature Of Appeal/Petition: Application for Variance and a Finding **Subject Matter:** Property currently contains a nonconforming structure. Petitioner requests a variance to increase the nonconformity of the front yard setback from Cove Street and the side yard setback, and a finding from the Board of Appeals under G.L. c. 40A, § 6 that the proposed changes to the Property are not substantially more detrimental to the neighborhood than the existing nonconforming structure. As part of the project, Petitioner will demolish a portion of the building and make other modifications to the Property, which will reduce or eliminate the existing dimensional non-conformities with respect to front yard setback from Woerd Avenue, and snow storage. **Location and Zoning District:** 48 Woerd Avenue; Commercial. **Provisions Of Zoning Ordinance Involved:** Section 4.11; Section 4.12(7) – Front Yard and Side Setback in Commercial Zoning District; Section 7.2 – Powers and Duties of the Board of Appeals. **Specific Relief Sought:** The Property is currently nonconforming with respect to front yard setback from Woerd Avenue, front yard setback from Cove Street, side yard setback and snow storage, as set forth in more detail below and shown on the plans. Pursuant to Article III, Section 3.71 – Continuance of existing buildings structures and uses, the Zoning Code shall not apply to lawfully existing buildings or structures. The building on the Property was constructed around 1960 according to the Assessors' records, and is a legal pre-existing nonconforming building. Within the Commercial Zoning District, per Section 4.1 1 and Section 4.12(7), the required front yard setback is one-half of the building height, which would be 13.85 feet, and the required side yard setback would be 15 feet. As set forth in the application, the proposed work would remedy the existing nonconformities with respect to front yard setback from Woerd Avenue and snow storage, but would minimally increase the nonconformities with respect to front yard setback from Cove Street (from 1.05 feet to 0 feet) and side yard setback (11.6 feet to 11.4 feet). Pursuant to Article VII, Section 7.2 - Powers and duties of Board of Appeals, the Board shall have all of the powers vested in it by the General Ordinances and by the General Laws. The Board is authorized to grant variances, dimensional variances, pursuant to G.L. c. 40A, §10. These changes will improve the Property without any detrimental effect to the Property or the surrounding neighborhood, will bring portions of the Property more in conformance with the provisions of the Zoning Code, will result in environmental benefits by removing a structure from a wetland

resource area and decreasing impervious area within the resource area, and will create additional jobs within the City. 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.