



City of Waltham

COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

LEGAL NOTICE

DATE FILED: June 25, 2020

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 August 11, 2020 AT 7:00 P.M. ON THE FOLLOWING:

Case #: 2020-17. **Petitioner/ Owner:** Michael W. Creonte and Sandra L. Creonte. **Nature of Application/ Petition:** Application for Dimensional Variances and Modification of Case No. 73-32. **Subject Matter:** The Petitioners request to be able to construct, use, and maintain an addition to the existing single-family residence, which is primarily a 2.5 story home. In ZBA Case No. 73-32, a variance was granted from the setback requirements to allow a 1.5 story addition. Now, the Petitioners propose to modify the relief granted in Case No. 73-32 to construct, use, and maintain a second story over the previously granted first story addition. The proposed second story buildout (resulting in the entire structure being a 2.5 story single-family residence) will match the existing roof line. Furthermore, it will not expand any existing non-conformity, nor will it create any new non-conformities. **Location and Zoning District:** 3 Essex Street is located in a Residence A-3 Zoning District. **Provisions of Zoning Ordinance Involved:** § 4.11, § 4.228, and § 7.2. **Specific Relief Sought:**

Variances: The following variances are being included in this Petition to simply document the existing lot area and existing front yard setback, as they have existed since the initial construction of the single-family home over 65 years ago. Additionally, the existing corner lot side yard setback is being listed to simply document, as it has existed since the buildout of the addition of the structure subsequent to ZBA Case No. 73-32 over 45 years ago.

Lot Area: § 4.11 requires a lot area of at least 9,600 square feet in the Residence A-3 Zoning District and the existing lot has an area of 9,098 square feet. The lot was shown on a recorded plan dated May 9, 1952 and has remained unchanged since that time. Thus, the lot is exempt from lot area requirements pursuant to § 4.218.

Front Yard Setback: § 4.11 requires a front yard setback of at least 25 feet in the Residence A-3 Zoning District. When the Petitioner surveyed the locus in preparing for this Petition, it showed that the existing structure has a front yard setback from Essex Street of 23.83 feet. The approved Plan in ZBA Case 73-32 shows that the 23.83 feet setback from Essex Street has been in existence since that time and since the home was initially constructed in 1952. This front yard setback will remain unchanged.

Corner Lot Side Yard: Similarly, when the Petitioner surveyed the locus in preparing this Petition, it showed that the existing structure was located 16.17 feet from Brewster Road. § 4.228 (Corner lot side yards) requires that the side yard adjacent to the intersecting street be subject to the front yard setback requirements of the Zoning District. Therefore, in the Residence A-3 Zoning District, a setback of 25 feet (the front yard setback

requirement) from Brewster Road is required pursuant to § 4.11. ZBA Case No. 73-32 granted a variance from this requirement and allowed a setback from Brewster Road of 17 feet. Accordingly, the Petitioners request that the relief granted in Case No. 73-32 be modified to reflect the actual setback of 16.17 feet, which has been in existence since the construction of the first-floor addition over 45 years ago. The proposed second story addition will not affect the existing setback.

Modification of Case No. 73-32:

§ 7.2 allows the Zoning Board of Appeals to amend previous Decisions. Case No. 73-32 required in Condition No. 2 of the Decision that “All construction and use of the premises be in accordance with the [plans filed therein]”. Accordingly, the Petitioner request the Board of Appeals to modify this condition by the substitution of the Plans filed in Case No. 73-32 with the Plans filed in this Case.

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.

- NOTE: if Stay-at-home order is still in effect at time of hearing the Board may meet remotely through Zoom. Please check city website for updates <https://www.city.waltham.ma.us/>