



City of Waltham

COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

LEGAL NOTICE

DATE FILED: October 15, 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 DECEMBER 1, 2020 AT 7:00 P.M. ON THE FOLLOWING:

Case #: 2020-34. **Petitioner/ Owner:** Silvestre Buscemi, Jr. **Nature of Application/ Petition:** Variance and Appeal Stop Work Order. **Subject Matter:** The Petitioner applied for and received a building permit to construct, use and maintain a two-family dwelling on the locus parcel. A permit to build was issued by the Building Inspector on June 19, 2020, Permit # P202041617. On September 18, 2020 the Building Inspector issued a Stop Work Order alleging that the permit was issued in error. The Petitioner appeals that order. Alternatively, the Petitioner is seeking a variance to allow the parking of four motor vehicles in a garage and in the residential structure. **Location and Zoning District:** 63 Bacon Street; Residence C Zoning District. **Provisions of Zoning Ordinance Involved:** Article IV, Section 4.226, and Article VII, Section 7.31 **Specific Relief Sought:**

1. **Appeal.** On June 19, 2020 the Inspector of Buildings issued a building permit to the Petitioner to allow the construction and use of a two-family dwelling with a two-car garage under and a detached garage for two cars. The Inspector required a side yard setback of 5 feet as provided under §4.221 as he deemed it an accessory building. §4.226 provides that garages for single- and two-family dwellings shall have a minimum 3-foot side yard setback. The building permit allowed for a principal building with two dwelling units and two parking spaces or garages within the principal building. The permit also allowed the construction and use of a detached garage for the storage of two motor vehicles. The Inspector of Buildings issued a stop work order/cease and desist all construction order to the Petitioner on September 18, 2020. He alleges that the permit was issued in error or on the basis of incorrect, inaccurate or incomplete information or in violation of any Ordinance. The Inspector has determined that the storage of more than three motor vehicles at the property in two separate garages is a violation of §4.226. The Petitioner appeals this stop work order/cease and desist order as the proposed dwelling and detached garage conforms to the Zoning Ordinance and further conforms to other two-family dwellings developed in the City of Waltham under the current Zoning Ordinance.
2. **Variance.** §4.226, entitled "Parking garages for single- and two-family dwellings", provides that one private garage with storage space for not more than three motor vehicles, either detached or forming a part of the principal building, is permitted on each lot on which the dwelling is located. Here, the Petitioner proposed to construct, use and maintain one detached garage for two motor vehicles and one principal building with garages for two motor vehicles therein for a total four motor vehicles. The proposed

enclosed parking spaces for four motor vehicles shall conform to the requirements of §5.2 which requires two parking spaces for each dwelling unit.

For further information and plans concerning this case please contact the Zoning Board of Appeals' Office, 119 School Street, Waltham, Massachusetts 02451; Hours: Monday - Friday 8:30-4:30.

NOTE: if a Stay-at-home order is 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/>.