



# City of Waltham

COMMONWEALTH OF MASSACHUSETTS

## ZONING BOARD OF APPEALS

### LEGAL NOTICE

DATE FILED: November 12, 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 January 12, 2021 AT 7:00 P.M. ON THE FOLLOWING:

**Case #:** 2020-37. **Petitioner/ Owner:** 92 Properties LLC, David Schwartz. **Nature of Application/ Petition:** Variance and Special Permit – Alter non-conforming use. **Subject Matter:** The Petitioner proposes to convert existing unfinished basement floor area into living space and further to convert existing common area within the structure into additional living space. **Location and Zoning District:** 92-94 Brown Street; Residence B Zoning District. **Provisions of Zoning Ordinance Involved:** Article III, §3.7222. **Specific Relief Sought:** (1) Special Permit – §3.7222 and General Laws, Chapter 40A § 6 allow a pre-existing nonconforming use or structure to be altered when a special permit is issued for such alteration. §3.7222 allows a pre-existing nonconforming structure to be altered in that use to an extent not exceeding 10 % of the ground floor area of the building when a special permit is issued for such alteration. The existing multifamily dwelling contains six residential units therein and has existed on the locus property since at least 1921. The locus is situated in a Residence B Zoning District which does not allow multifamily dwellings by right. The locus is a pre-existing nonconforming use and structure. The Petitioner is proposing to construct, use and maintain a renovated six-unit dwelling. The Petitioner proposes to convert 695 feet of the existing 1,866 square feet of unfinished basement floor area into bedrooms and habitable space to be attached to a first-floor unit. The Petitioner shall also convert some of the existing common areas of the existing units on the second and third floors into additional living areas.

(2) Variance – §3.7222 allows a pre-existing nonconforming structure to be altered in that use to an extent not exceeding 10% of the ground floor area of the building when a special permit is issued for such alteration. The Petitioners are proposing to construct, use and maintain a renovated the six-family dwelling at the locus. The Petitioner proposes to convert 695 feet of the existing 1,866 square feet of unfinished basement floor area into bedrooms and habitable space to be attached to a first-floor unit. 695 feet is 37% of the total existing ground floor area (1,866 square feet) of the building. The increase in livable floor area, 695 square feet, is 37% of the ground floor area of the building. The Petitioner requests a variance of §3.7222 to exceed the 10% limitation therein.

(3) §5.22 provides the Off Street Parking Requirements of the Ordinance. It provides that two parking spaces shall be provided for each dwelling unit. Here, the existing nonconforming use, a multifamily dwelling with six units, has eight parking spaces. §3.7221 allows a pre-existing nonconforming use to be continued in that use. The Petitioners are proposing to construct, use and maintain a renovated multifamily dwelling

with six residential units. Although additional living space is proposed, including additional bedrooms, no increase in the number of residential units are proposed. The Petitioner shall continue to use the nonconforming multifamily dwelling (six units) with eight nonconforming parking spaces thereon. No additional parking is proposed. 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/>.