



# City of Waltham

COMMONWEALTH OF MASSACHUSETTS

## ZONING BOARD OF APPEALS

### LEGAL NOTICE

DATE FILED: September 13, 2022

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 October 25, 2022 AT 7:00 P.M. ON THE FOLLOWING:

**Case #:** 2022-46. **Petitioner:** King Street Properties Investments LLC. **Owner:** LS The Post, LLC c/o Healthpeak Prop Inc. **Nature of Appeal/Petition:** Application for dimensional variances. **Subject Matter:** Petitioner seeks variances from: (1) definition and calculation of building height for addition to existing office building, and for proposed parking structure; (2) maximum stories permitted for proposed parking structure; (3) side yard setback; (4) landscape buffer between Residential and Commercial Zoning Districts; and for (5) drive aisle within front yard. Additional parking is necessary to serve addition to and renovation of existing office building for combined office and life science research and laboratory use. **Location and Zoning District:** 200 Smith Street, Limited Commercial Zoning District. **Provisions of Zoning Ordinance Involved:** Sections 2.324, 2.326, 2.340, 3.537, 4.11 Table of Dimensional Regulations, 5.42, among others. **Specific Relief Sought:**

1. Due to locus site's irregular topography and significant change in grade, Petitioner seeks variance from the § 2.326 definition of "Height of Building", which calculates building height relative to the "average existing elevation" of the "aggregate averages of all sides or boundaries" of the property measured at least once every 30 feet. The maximum building height in the Limited Commercial Zone is 40 feet (Section 4.11 Table of Dimensional Regulations). This method of calculating building height renders nonconforming the height of the existing office building, and would also render nonconforming the building heights of the proposed parking structure and addition to the existing office building. Instead, Petitioner proposes calculating building height relative to the average elevation of the finished ground level along each wall of the proposed building, which would render conforming the height of the proposed parking structure and addition;
2. Petitioner further seeks a variance from the maximum three (3) stories permitted in the Limited Commercial Zone (Section 4.11) as relates to the proposed parking structure. The top-level elevation of the garage will be no higher than the existing office building, and all of its levels are not "stories" as defined in Section 2.340;
3. Petitioner further seeks a variance from the minimum 100-foot setback required in the Limited Commercial Zone (Section 4.11) to locate a portion of the parking garage in the side yard, which is necessary to serve the proposed improvements;
4. Petitioner further seeks a variance from the 40-foot minimum (Section 3.537) to locate

a portion of the proposed drive aisle within the landscape buffer required between Residential and Commercial Zoning Districts; and

5. Petitioner further seeks a variance Section 5.42 which prohibits paved areas within the front yard in order to locate a portion of the proposed drive aisle within the front yard.

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:** Michael Cotton, Mark Hickernell, John Sergi, Glenna Gelineau, Matthew Deveau. **ASSOCIATE MEMBERS:** Edward McCarthy, Oscar LeBlanc, Sarah Hankins.