



City of Waltham

COMMONWEALTH OF MASSACHUSETTS

ZONING BOARD OF APPEALS

LEGAL NOTICE

DATE FILED: September 6, 2023

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 3, 2023 AT 7:00 P.M. ON THE FOLLOWING:

Case #: 2023-23. **Petitioner/Owner:** Luke Niezelski & Marissa Douglas. **Nature of Appeal/Petition:** Application for Dimensional Variances and Modification of Prior Decision. **Subject Matter:** The locus consists of a small, rectangular shaped parcel of land with significant topographical issues located on Upland Road. There is an existing two-story single-family home located thereon. The Petitioners propose to construct, use, and maintain a second story “shed dormer” addition to the existing home. The proposed addition will not create any new nonconformities, but the locus suffers from existing nonconformities necessitating variances and modification of a prior ZBA Decision as to the locus. **Location and Zoning District:** 45 Upland Road is located in a Residence A-4 Zoning District. **Provisions of Zoning Ordinance Involved:** §4.11 and §7.2. **Specific Relief Sought:**

Front Yard Setback: In the Residence A-4 Zoning District, §4.11 requires a front yard setback of at least 25 feet. Here the existing and proposed front yard is 18.7 feet. **Side Yard Setbacks:** In the Residence A-4 Zoning District, §4.11 requires side yard setbacks of at least 15 feet. Here, the existing and proposed side yard setbacks are 5.45 feet (westerly) and 7.85 feet (easterly). The Board previously granted the locus relief as to the westerly side yard in 1957. **Lot Area:** In the Residence A-4 Zoning District, §4.11 requires at least 7,000 sq. ft. of lot area. The existing and proposed lot contains 5,030 sq. ft. per plans of record and 4,949 sq. ft. based on Petitioners’ recent survey. The Board previously granted the locus relief as to lot area in 1957. **Frontage:** In the Residence A-4 Zoning District, §4.11 requires at least 60 feet of frontage. The existing and proposed frontage is 50 feet. The Board previously granted the locus relief as to frontage in 1957. **§7.2 Modification of August 6, 1957 Decision:** §7.2 allows the ZBA to amend previous Decisions. On August 6, 1957 the ZBA granted relief as to the locus allowing lot area of 5,030 sq. ft., 50 feet of frontage, and a westerly side yard of 5.85 feet. Now, the Petitioners seek to modify this Decision by the substitution of the Plans filed in the 1957 Case 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:** John Sergi, Mark Hickernell, Glenna Gelineau, Matthew Deveaux, Stephen Taranto. **ASSOCIATE MEMBERS:** Edward McCarthy, Oscar LeBlanc, Sarah Hankins, Joseph Attardo.