

**CITY OF WALTHAM
ZONING BOARD OF APPEALS**

Case 2019-35)
Ketan Patel, as Manager of AG Holdings)
LLC, Charles Minasian, as Manager of)
Minasian Investments LLC, and Robert)
Parsekian, as Manager of Parsada)
Ventures LLC.)
Owners of 59-61 Dartmouth Street)

PROPOSED FINDINGS OF FACT

The Zoning Board of Appeals of the City of Waltham makes the following findings of fact after a hearing on the above-captioned Petition for Appeal from a decision of the Building Inspector:

1. The Board has the power and authority to hear the Petition and to grant the requested relief pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Sections 6, 11, 12, 13 and 14 and the Zoning Ordinance of the City of Waltham;
2. This Board of Appeals, having met all legal prerequisites by proper publications and posting is provided in Massachusetts General Laws, Chapter 40A, §11 and having notified by mail all parties in interest, and having heard all the evidence, is now empowered to exercise the power to grant or to deny the special permit and other relief sought by the Petitioner;
3. The property is a seven-unit apartment building numbered as 59-61 Dartmouth Street, Waltham and is located in the Residence B Zoning District;
5. 59-61 Dartmouth Street, Waltham is owned by Petitioners Ketan Patel, as Manager of AG Holdings LLC, Charles Minasian, as Manager of Minasian Investments LLC, and Robert Parsekian, as Manager of Parsada Ventures LLC;
6. The Petitioners respectfully requests a certificate of occupancy to continue to use the property as a seven (7) unit apartment building;
7. The certificate of occupancy will allow the Petitioner to continue to use the property as a seven (7) unit apartment building as it has been used since at least 1971;
8. The certificate of occupancy will not cause any adverse impact on the traffic on Dartmouth Street; and
9. As to facts concerning the requested occupancy certificate the Board takes note of the following:

- a. The property was built in 1910 and predates city zoning.
- b. The previous owner of the property attests to use as a seven (7) unit apartment since at least 1981.
- c. City of Waltham Assessor's records indicate that the property is registered as a five (5) unit apartment;
- d. Census records and City of Waltham Building Department records indicate that the property was used as a six (6) and/or seven (7) unit dwelling.

DATED: December _____, 2019