

CITY OF WALTHAM

BOARD OF APPEALS

APPLICATION OF

**JOHN BIANCHI and
KAREN E. BIANCHI**

FOR ZONING RELIEF

)
)
) **Case No. 2020-36**

)
) **DECEMBER 15, 2020**
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)

PROPOSED DECISION

Therefore, the Board of Appeals of the City of Waltham, after due deliberation, on motion duly made and seconded, voted:

To grant the variances requested in Case No. 2020-36 and incorporates by reference the Findings of Fact and further cites as reasons the following:

The Board finds that there are circumstances especially affecting this locus which do not generally affect other lots in the Residence A-2 Zoning District in which it is located, in that:

The topography of the locus is a unique circumstance. The grade changes in the elevation at the locus show a decline in elevation towards the east side of the locus. The elevation at the west side is 265 feet and slopes down to 252 feet at the southeast corner.

The change in the elevation creates a slope from the westerly portion of the locus, to the easterly part of the locus. The proposed addition and pool house are situated on the east side of the locus.

The Petitioner has observed ledge on the locus. The original residence was constructed without a basement. The residence is on slab concrete.

The proposed addition shall be situated on the south side of the existing single family residence. An existing shed shall be removed to make room for the addition. The pool house, which shall contain a mechanical room and a bathroom, shall be built adjacent to the existing pool and away from the existing patio.

The shape of the locus limits the buildable areas as one travels east to west as the lot narrows from the street line to the rear yard.

A literal enforcement of the Zoning Ordinance would involve substantial hardship to the Petitioners, both practically and financially, in that:

A second story addition could eliminate constructing into the front and side yard setbacks but this would require significant structural improvements to the existing structure to support a second story. Construction of the pool house on the north side of the pool would require that the patio and pavers on the north side would have to be removed which is both a practical and financial hardship to the Petitioner.

This Petition may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or the purpose of the Ordinance.

The requested variances affect the setbacks of the single story addition of a master bedroom and bath. The addition will only extend an addition 1.65 feet into the existing and

approved front yard setback. The side yard setback will extend 7.35 feet into the required side yard. The pool house shall extend 5.70 feet into the required side yard setback. The side yard setbacks shall provide more than 50 % of the requirement.

Furthermore, the proposed addition to the residence and the pool house will not be a substantial detriment to the public good but a benefit to the public good. The new master bedroom and bath shall provide a new and modern addition to the single story residence. The pool house or accessory building shall complement the existing pool and patio.

A sufficient setback is provided to prevent overcrowding of the land. Notwithstanding the proposed structures the locus shall have a lot coverage of 18% where a maximum of 20% is allowed. The requested variances will, therefore, neither nullify nor substantially derogate from the intent of the Ordinance.

The granting of the variance is subject to the following conditions:

1. All necessary permits shall be issued and work commenced within one (1) year of the date of the filing of this decision with the City Clerk's office and work shall be completed within two (2) years of the filing of the decision with the City Clerk;
2. All construction and use of the premises shall be in substantial accordance with the plans introduced as evidence during the hearing entitled:

- a. ““ Plan to Accompany Petition For A Variance at 60 Mountain Road, Waltham, MA 02451, Owner/Petitioner: John Bianchi & Karen E. Bianchi”, dated October 13, 2020, prepared by Bibbo Brothers & Associates; and
- b. Architectural plans entitled “60 Mountain Road, Variance Submission, 9/10/2020, consisting of four sheets, cover sheet, Proposed Site Plan, Proposed Pool House- Plan & Elevations, and Proposed Addition-Plan & Elevations, all dated September 10,2020, by Kelly Boucher Architecture.

3. The second condition in the Notice of Decision in Case No. 2008-13 is deleted in its entirety and inserted therein is the new Condition No. 2 above which states that all construction and use of the premises shall be in substantial accordance with the plans cited and referenced above at Condition No 2.