COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss. CITY OF WALTHAM

BOARD OF APPEALS

CASE NO.: 2020-16

)

In The Matter Of George M. Barnett, )

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Petitioner. )

)

PROPOSED DECISION

After hearing and due deliberation, the Board of Appeals of the City of Waltham voted:

To grant the variance requested in Case No. 2020-16, and incorporates by reference the Findings of Fact, and further cites as reasons the following:

VARIANCE

That there are circumstances especially affecting this locus and the structures thereon, which do not generally affect other lots and structures in the Residence B Zoning District in which it is located, specifically:

1. The circumstances of the lot, specifically the fact that it is landlocked with a pre-existing structure located thereon only 4.7’ from the rear-yard lot line, present distinctive circumstances that are generally not found in the neighborhood or district in which it is located.

2. A literal enforcement of the Zoning Ordinance would involve substantial hardship to the Petitioner, both practically and financially, specifically that:

without the variances and amendment, Petitioner cannot construct any addition even though such addition is almost completely contained within the footprint of the existing structure and has no effect on any existing setback.

3. This Petition may be granted without substantial detriment to the public good or without nullifying or substantially derogating from the intent or the purpose of the Ordinance, specifically that:

The Petitioner is seeking an addition that will only encroach into the rear yard setback by virtue of its very existence. It should be noted that the variance requested for the addition will not increase the non-conforming nature of the rear-yard setback at all. As a result, it cannot reasonably be found to increase the non-conforming nature of a structure and therefore cannot be a substantial detriment to the public good.

The granting of the Variances are 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 plan introduced as evidence during the hearing entitled: “Plan Of Land Located At 91 Robbins Street, Waltham, MA” dated February 11, 2020.

SJ.BF.Barnett.Pro.Decision.Var.doc