

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

CITY OF WALTHAM
BOARD OF APPEALS
CASE NO.: 2020-32

In The Matter Of John J. Aiello,

Petitioner.

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PROPOSED DECISION

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

To grant the variances requested in Case No. 2020-32, 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 A-4 Zoning District in which it is located, specifically:

1. First, there is the fact that the lot here is a corner-lot which results in two (2) front yard setbacks rather than two (2) side-yard setbacks which by their nature are less restrictive. In addition, the lot is long and narrow resulting in a lot width of 39.83' in the rear. Second, the single-family structure thereon was built circa 1916 and is set along the westerly end of the property and only 8.72' from the front lot line and, as is, encroaches into both front-yard setbacks. Due to its narrowness, any structure built on the lot will require dimensional relief. Lastly, the location of the existing garage sits only 1.25' from the lot line and 3.19' from the street (access is only from Dale Street and not Hazel Street).

2. A literal enforcement of the Zoning Ordinance would involve substantial hardship to the Petitioners, both practically and financially, specifically that: Petitioner would have to tear down and remove more than the illegal (grandfathered) addition, but significant portions of the house as well as relocate the pre-existing garage all in order to bring the property closer to conformity. This will result in substantial cost and an impractical structure thereon, thus satisfying the second requirement of G.L. c. 40A, § 10.

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 to remove an illegal addition to the structure. The removal will result in an increased side-yard setback, a reduced maximum lot coverage and no change to the front-yard setback and both the front-yard and side-lot setbacks for the pre-existing garage and therefore cannot be a substantial detriment to the public good.

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

- i. 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;
- ii. All construction and use of the Premises shall be in substantial accordance with the plan introduced as evidence during the hearing entitled: "Plan To Accompany Petition For a Variance at 122 Dale Street, Waltham, MA" dated September 8, 2020.