

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

CITY OF WALTHAM
BOARD OF APPEALS
CASE NO.: 2020-19

In The Matter Of James Arnold and)
Samantha Smith,)
Petitioners.)

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. 2020-19, and incorporates by reference the Findings of Fact, and further cites as reasons the following:

VARIANCES

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. The shape of the lot, specifically its pork chop shape presents distinctive circumstances that are generally not found in the zoning district in which it is located.
2. A literal enforcement of the Zoning Ordinance would involve substantial hardship to the Petitioners, both practically and financially, specifically that:

without the variances, no addition of any kind can be constructed without the removal of significant portions of the structure. Due to the shape of the lot there is no location of an addition that would not require relief.

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:

That the addition is located in the center of the lot and will sit where there currently exists a single-story addition that will encroach just an additional 1.6' into the side-yard (leaving a setback of 55.7'). In addition, previous interpretations of the front and rear-yard locations on pork-chop shaped lots would have rendered the project by-right with an old lot opinion, which the Petitioners obtained prior to this Application. Accordingly, the requested relief cannot be found to be unreasonable.

The granting of the Variances are 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; and
- ii. All construction and use of the Premises shall be in substantial accordance with the plan introduced as evidence during the hearing entitled: "Plan Showing Proposed Addition 300 Dale Street, Waltham, MA Middlesex County" and dated May 21, 2020.