

CITY OF WALTHAM
ZONING BOARD OF APPEALS

Case 2020-18
Andrew J. Rowlings and Brigid Rowlings
Petitioners/Owners of 18 Pleasant Street

PROPOSED DECISION

Therefore, the Zoning Board of Appeals for the City of Waltham, after due deliberation and having met all legal prerequisites by proper publication and posting, on motion duly made and seconded, voted:

To grant to the Petitioners Andrew J. Rowlings and Brigid Rowlings the variances and/or special permit requested in their Petition with Case No. 2020-18 and to incorporate, by reference, the Findings of Fact heretofore adopted, and further cites as reasons the following:

This single-family home, constructed around 1800 and predates zoning, is a legal, pre-existing, non-conforming structure, it is entitled to protection under M.G.L. c. 40A, § 6.

The structure's age and location on the lot, are unique circumstances which especially affect this Locus.

A literal enforcement of the Ordinance would involve a substantial hardship to the Petitioners.

The 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.

In this instance, the structure was legally constructed in its current footprint, and has been used as a single-family dwelling. Petitioners are not requesting any change in the use of the Locus.

The proposed addition and improvements to the front porch and back deck will not be "substantially more detrimental than the existing nonconforming structure and lot to the neighborhood".

The intent of the Ordinance is to prevent overcrowding of land. The proposed second-floor addition and the improvement to the back deck will not increase the nonconforming nature of 18 Pleasant Street. The proposed improvement to the front porch will only minimally intensify the existing non-conforming nature of the Property.

The granting of the variances and/or special permit 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 shall be completed within three years; and

2. All construction and use of the premises shall be in substantial accordance with the plans introduced as evidence during the hearing.