

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

CITY OF WALTHAM
BOARD OF APPEALS
CASE NO.: 2020-20

In The Matter Of George & Elizabeth
Steinhubel,

Petitioners.

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. 2020-20, 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 circumstances of the lot, specifically the fact that it is corner lot and when
combined with the undersized nature of the lot prevents any construction on the Locus
despite being a pre-existing legally non-conforming lot and despite qualification of old/small
lot status, make this Locus unique and 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 Petitioners, both practically and financially, specifically that:

without the variance, Petitioners cannot construct any structure on any location on the Locus, despite sufficient lot area to do so, that would not require any other dimensional 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:

The Petitioners are seeking to construct a single-family home in the center of the lot that is within the maximum lot coverage allowed, but due to having to comply with two front-yard setbacks makes the construction impossible. The proposed single-family home will be located in the center of the Locus.

The granting of the Variance 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 21 Arcadia Ave., Waltham, MA" dated June 1, 2020.