

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

CITY OF WALTHAM
BOARD OF APPEALS
CASE NO.: 2020-24

_____)
In The Matter Of Joseph and Antonina Caruso,)
_____)
Petitioner.)
_____)

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. 2020-24, 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-3 Zoning District in which it is located, specifically:

1. The circumstances of the narrow lot and the existing legally nonconforming structure 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 Petitioners, both practically and financially, specifically that: without the variances, Petitioner would be required to remove approximately 1.9' of the existing structure in order to construct the addition which otherwise conforms to the zoning requirements. By requiring removal the 1.9' of the proposed structure, 1.9' of the existing roof deck structure would be exposed and uncovered.

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 not encroach any further into the existing side-yard setback, which was originally constructed as nonconforming in 1942 (see attached) at 6.9' from the east side property line, less than 0.12' under the current 16' combined side-yard setback per Art. IV, § 4.2181(a). There will therefore be no substantial detriment to the public good.

4. The variance will allow the Petitioner and their growing family reasonable use of their property.

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.