

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

CITY OF WALTHAM  
BOARD OF APPEALS  
CASE NO.: 2020-22

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In The Matter Of Matthew Lyons,  
  
Petitioner.  
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PROPOSED FINDINGS OF FACT

The Board of Appeals of the City of Waltham makes the following findings of fact after hearing on the above-captioned Petition:

1. The Board of Appeals, having met all legal prerequisites by proper publications and posting as provided in Massachusetts General Laws, C. 40A, § 11 and having by mail notified all parties in interest and having heard all the evidence, is now empowered to exercise the power to grant or deny the relief sought by Petitioner.
2. The locus is known and numbered as 74 Oakley Lane, Waltham, Massachusetts.
3. The locus is a single legal parcel of land containing 13,326+/- square feet and consists of a pre-existing, legally non-conforming, single-story residential home thereon.
4. The Locus further consists of a swamp located in the rear-yard of the Locus, a declining topography (an approximate 5' decline) as you move from the front of the lot towards the rear, and lastly the Locus has been designated to be within a flood zone, all of which present circumstances affecting the location of the structure upon the Locus.
5. Petitioner proposes to construct, use and maintain a second story addition that will result in approximately 1,796 +/- square feet of additional livable space.

6. Petitioner seeks the following variance to accomplish the project:

Front-Yard Setback: In accordance with Art. IV, § 4.11, the front-yard setback shall be twenty-five feet (25'). Presently the front-yard setback is 21.12'. Petitioner proposes no change to the front-yard setback.

7. This Board has both the power to grant the variance under G.L. c. 40A, §§ 9, 10 and 14; and the authority to do so under Article VII, § 7.2 of the Ordinance, respectively.

8. Allowance of the Variance will not result in substantial derogation from the intent and purpose of the Ordinance.

9. Pursuant to Art. III, § 3.7225, the Board finds that such alteration, reconstruction, extension or structural changes does not substantially increase the nonconforming nature of said structure.