

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

CITY OF WALTHAM  
BOARD OF APPEALS  
CASE NO.: 2020-32

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In The Matter Of John J. Aiello,  
  
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 122 Dale Street (Lot 1 and portion of Lot 10), Waltham, Massachusetts.
3. The locus consists of two parcels of land containing a total of 5,072+/- square feet and a pre-existing, legally non-conforming, single-family residential home and garage thereon.
4. Petitioner proposes to raze and remove a portion of the structure that encroaches over the lot line that will result, *inter alia*, a side-yard setback where none exists.
5. Petitioner seeks the following variance to accomplish the project:

Side-Yard Setback: In accordance with Art. IV, § 4.11, the side-yard setback shall be fifteen feet (15'). Presently the side-yard setback is 0'. Petitioner proposes a setback that will increase the non-conforming setback to 2.37';

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 8.72'. Petitioner proposes no change to the front-yard setback;

Lot Coverage: In accordance with Art. IV, § 4.11, the maximum lot coverage shall be twenty-five percent (25%). Presently the lot coverage is 32.5%. Petitioner proposes a reduction in the lot coverage to 31.1%;

Garage: In accordance with Art. IV, § 4.11, a garage must be 3 feet (3') from any lot line and twenty-five feet (25') from the front-yard setback. The pre-existing garage sits 1.25' from a lot line and 3.19 from the front-yard setback. Petitioner proposes no change to either.

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

7. Allowance of the Variances will not result in substantial derogation from the intent and purpose of the Ordinance.

8. 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.