

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

CITY OF WALTHAM
BOARD OF APPEALS
CASE NO.: 2020-19

In The Matter Of James Arnold and
Samantha Smith,
Petitioners.

AMENDED 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 Petitioners.
2. The locus is known and numbered as 300 Dale Street, Waltham, Massachusetts.
3. The locus is a nonconforming single parcel of land (pork-chop shaped) containing 8,830 square feet of land and consists of a pre-existing, legally non-conforming, single-family home thereon.
4. Petitioners intend to demolish the single-story portion of the home on the western end of the structure and then to construct, use and maintain a two-story addition that will result in an additional 256.69 square feet of living space.
5. Petitioner seeks the following relief to accomplish the project:

Front-Yard Setback: In accordance with Art. IV, § 4.11 the minimum front-yard setback shall be twenty-five (25'). Here, the existing front-yard setback is 5.8'. Petitioners propose no change to the setback; and

Rear-Yard Setback: In accordance with Art. IV, § 4.11, the minimum rear-yard setback shall be thirty feet (30'). The existing rear-yard setback here is 15'. The Petitioners propose no change to the setback.

6. 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.

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 change does not increase the nonconforming nature of said structure.