

CITY OF WALTHAM
ZONING BOARD OF APPEALS

Case 2020-18

Andrew J. Rowlings and Brigid Rowlings
Petitioners/Owners of 18 Pleasant Street

PROPOSED FINDINGS OF FACT

On the basis of the evidence presented, the Zoning Board of Appeals for the City of Waltham could find the following facts:

1. That Andrew J. Rowlings and Brigid Rowlings are the

Petitioners in Case No. 2020-18 presented to the Zoning Board of Appeals on August 18, 2020 (hereinafter referred to as the "Petitioners").
2. 18 Pleasant Street (hereinafter referred to as the "Property" or "Locus") is owned by Petitioner Andrew J. Rowlings and is the primary residence of Petitioners Andrew J. Rowlings and Brigid Rowlings as well as their growing family.
3. The Property is a single-family home known and numbered as 18 Pleasant Street, Waltham, is located in the Residence A-4 Zoning District, and consists of approximately 7,500 square feet of land more particularly described on a plan titled "Plan of Land in Waltham, MA 18 Pleasant Street Proposed Additions" dated June 25, 2020 by Everett M. Brooks Co. which

has been submitted to the Zoning Board of Appeals along with other supporting documents.

4. The Property predates zoning as it was built around 1800.
5. This single-family home is a legal, pre-existing, non-conforming structure, it is entitled to protection under M.G.L. c. 40A, § 6.
6. That the Zoning Board of Appeals having met all legal prerequisites by proper publication and posting as provided in M.G.L. Chapter 40A, Section 11, having also notified by mail all parties in interest, and having heard all of the evidence at a public hearing conducted August 18, 2020 is now empowered to exercise the power to grant or deny the variances and/or special permit sought by the Petitioners.
7. The Petitioners request variances and/or special permit to construct an addition at their family home and make improvements to the front porch and back deck which will result in a 12.65-foot front-yard setback and lot coverage percentage of 29.6%.
8. That the variances and/or special permit requested are dimensional in nature and it is therefore in the power of this Board to grant under the authority of M.G.L. Chapter 40A, Sections 6 & 10 and under Article VII, Section 7.2 of the Zoning Ordinance.

9. The proposed improvement to the front porch infringes into front setback by 3.84 feet greater than existing nonconformity and is entitled to protection under M.G.L. c. 40A, § 6 as it will "not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood."
10. A literal enforcement of the Zoning Ordinance in question involves substantial hardship to the Petitioners, both practically and financially, in that:
 - a. it would prevent them from improving their family home with the proposed addition and improvements in order to make the structure safer and more aesthetically pleasing;
 - b. it would prevent them from increasing the value of their home.
11. There are conditions especially affecting this Locus, but not affecting generally the zoning district in which it is located by which a literal enforcement of the Zoning Ordinance would involve substantial hardship to the Petitioners. These facts are as follows:
 - a. The Locus is a rectangular lot.
 - b. The Locus is in a Residence A-4 zone and abuts a commercially-zoned property.
 - c. The Locus predates zoning.
 - d. The existing structure is located unusually close to the existing lot lines in the northern boundary of the lot.

e. Due to the unusual location of the existing house to the lot lines and existing garage and driveway built in 1936, there is little option of the improvement of the existing structure by external expansion to the northern or southern boundaries of the Property.

12. The variances and/or special permit are in keeping with the residential character of the neighborhood.
13. The variances and/or special permit will not cause any adverse impact on the traffic on Pleasant Street.
14. The Petitioners' neighbors are in support of this Petition.

DATED: August ____, 2020