

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 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 145 Florence Road, Waltham, Massachusetts.
3. The Locus is a nonconforming single parcel of land containing 5,000 square feet and consists of a pre-existing, legally nonconforming, two story single-family residence and first floor roof deck thereon.
4. Petitioner proposes to construct, maintain and use a sunroom addition of approximately 229 square feet installed on top off the first floor roof deck addition to be exactly the same size as the existing deck.
5. Petitioner seeks the following variances to accomplish the project:

Side Yard Setback: In accordance with Art. IV, § 4.2181, the sum of the widths of the two side yards shall be not less than sixteen (16) feet...no side yard shall be less than five (5) feet.

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. Petitioner hired an attorney to research old lot statute, and they qualified (see attached).

8. The sunroom addition is located on the rear of the house and not visible from the street.

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