

# City of Malden

Massachusetts

Board of Appeal  
200 Pleasant Street, Room 419  
Malden, Massachusetts 02148

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## BOARD OF APPEAL

### DECISION

Meeting of May 19, 2016

0 Charles St.

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### PETITION OF

EA Fish Development LLC on behalf of Anthony Celani for a variance of Sections 400.1.6.1, 500.2.2 & 500.2.3 of Chapter 12 of the Revised Ordinances of 1991, as amended, of the City of Malden, dimensional controls and parking requirements for offstreet parking facilities, namely, to create an offsite parking facility, as per plans, at the property known and numbered 0 Charles Street, Malden, MA (also known by City Assessor's Parcel ID #062-239-913).

### FINDINGS OF FACT AND DECISION

The Petitioner appeared represented by Attorney Thomas P. Callaghan, Jr. seeking a Variance from dimensional controls and parking requirements for offstreet parking facilities. All statutory notice requirements have been met and this petition is properly before the Board for hearing.

The subject parcel, which contains approximately 4,200 square feet, is shown on a plan entitled 0 Charles Street Proposed Parking Layout Plan dated April 19, 2016, prepared by Howard Stein Hudson.

The subject parcel is currently utilized for retail sales, specifically a used car lot with the parking of vehicles for sale.

The Petitioner explained that the 15 parking spaces, including one space for seasonal use as snow storage, will be utilized by a large, residential and commercial redevelopment at 11 and 17 Charles Street. The petitioner proposes that the parking at 0 Charles Street be used exclusively by employees of the proposed medical office use in the redevelopment project. The proposed residential and commercial redevelopment, across Charles Street from the subject property, requires a special permit for residential use and a special permit for medical center use which is expected to be heard by the Malden Planning Board next month which includes the demolition of all existing structures and construction of a six-story building with a parking deck. The first floor is to be occupied for medical center use with 103 residential units on the remaining five floors.

The subject property is located in the Central Business zoning district. Under the zoning provisions applicable to the subject parcel, off-street parking facilities require a minimum area of 5,000 square feet with 4,200 square feet being provided. Additionally, the subject lot does not have adequate aisle width providing 16 feet at the entrance and 18 feet, 3 inches at the rear, as well as deficiencies in the setback requirements.

No one spoke in favor of or in opposition to the Petition.


After due hearing, the Board found and adopted the facts as alleged by the Petitioner that due to unique circumstances relating to the land, a literal enforcement of the zoning ordinance would involve a substantial hardship, financial or otherwise, to the Petitioner.

In addition, the requested relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the purposes or intent of the zoning ordinance.

Upon motion of Shannon Brandano and second by Claire Croken, the Board voted unanimously to grant this Petition for a Variance from the dimensional controls and parking requirements for the use as an off-street parking facility.

**MEMBERS OF THE BOARD VOTING WERE**

James O'Brien, Chair  
Viginie Nogara  
Claire Croken  
John King  
Shannon Brandano, Clerk

  
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