

City of Malden

Massachusetts

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

RECEIVED

2016 JUN -2 P 3:41

CITY CLERK'S OFFICE
MALDEN, MASS.
Telephone 781-397-7000 Ext. 2031
Fax 781-397-7362

BOARD OF APPEAL

DECISION

Meeting of May 19, 2016

19 Glen St.
PAGE 1 of 2

PETITION OF: (tabled April 21, 2016)

John and Tami Hancock for a variance of Section 400.1.2.2, of Chapter 12 of the Revised Ordinances of 1991, as amended, of the City of Malden, dimensional controls for two-family residential dwellings, namely, to remove & rebuild the existing porch at the left rear and to construct a deck at the rear of the existing dwelling, as per plans, at the property known and numbered **19 Glen Street**, Malden, MA (also known by City Assessor's Parcel ID #013-027-703). Petition and plans are available for public review in the office of the Clerk of the Board of Appeal, Room 419, Malden Government Center, 200 Pleasant Street, Malden, MA.

- This petition violates left side yard and rear yard setback. The property is a two-family dwelling consisting of approximately 5,020 sq. ft. of land in a Residence A Zoning District*
- The property was purchased by the current owner/petitioner in 2014. The existing left side porch was constructed without permits and crosses the property line. The proposed left side porch will only be 3 ft. wide; it will still violate the side yard setback but, will not cross the property line.*
- The proposed 8' x 25' rear deck will violate the rear yard setback on the right side of the yard.*

FINDINGS OF FACT AND DECISION

The Petitioner, John Hancock seeking a Variance to the dimensional controls for two-family residential dwellings. All statutory notice requirements have been met and this petition is properly before the Board for hearing.

The subject parcel, which contains approximately 16,692 square feet, is shown on a plan entitled 140 Eastern Avenue,

The subject parcel is currently utilized for residential and commercial use.

The Petitioner is proposing to build a deck in the rear of the property with a small landing for egress to the third floor apartment. The petitioner's proposal will not impede the abutter's property and will correct an existing impediment.

The shape of the lot is awkwardly shaped and there is a safety issue with the existing deck.

The subject property is located in the Residential A District.

The direct abutter to this petition submitted a letter of support and no one spoke 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 Claire Croken and second by John King, the Board voted unanimously to grant this Petition for a Variance.

MEMBERS OF THE BOARD VOTING WERE

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


Board of Appeal
Shannon Brandano, Clerk
June 2, 2016