

City of Malden

Massachusetts
Board of Appeal
110 Pleasant St.
Malden, Massachusetts 02148

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BOARD OF APPEAL DECISION

DECISION OF
April 18, 2018
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PETITION OF:

Suzann Nguyen for a variance of Section 400.1.2.1, Chapter 12 of the Revised Ordinances of 1991 as amended, of the City of Malden, the dimensional controls for single-family dwelling namely, to construct a deck violating setback requirements as per plans, at the property known as and numbered **21 Alden Street, Malden, MA** and also known by **City Assessor's Parcel ID #100-445-509**.

FINDINGS OF FACT AND DECISION:

The petitioner appeared requesting a variance to construct a deck as per plans at the property known as and numbered 21 Alden Street. All statutory notice requirements have been met and this petition is properly before the Board.

The property consists of a single-family dwelling situated on approximately 9,760 sq. ft. of land. The plan is to replace an existing deck and construct a new larger deck to the rear of the structure. The proposed deck will be open, unenclosed and accessible from the dwelling. The petitioner's proposal violates the dimensional control governing side yard setbacks. The ordinance requires 10 feet and the proposed deck has a setback of 3.5 feet which is the same violation as the existing house.

No one spoke in opposition to this petition. A tenant living in an abutting property submitted a letter in support. Another abutter was not in opposition to the construction of a deck but questioned and was concerned whether the petitioner had plans for further building or additions to the property. The petitioner responded that there would be no further enlargements to the structure.

After due hearing, the Board found and adopted the facts as alleged by the petitioner and further found that a literal enforcement of the zoning ordinance would involve a substantial hardship, financial and 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 purpose or intent of the applicable zoning ordinance.

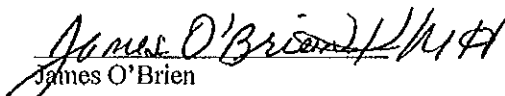
Upon motion of James O'Brien, which was seconded by Deano Summers, the Board voted unanimously to grant this petition as per plans.

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MEMBERS OF THE BOARD VOTING TO GRANT WERE:

James O'Brien
Michael Steene
Deputy Chief William Sullivan
Deano Summers

Board of Appeal


James O'Brien
Chair