

City of Malden

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

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BOARD OF APPEAL DECISION

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PETITION OF:

James F. Bradley seeking 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 dwellings namely, to construct a single-family home violating the frontage requirement as per plans for the property known as and numbered **29 Rudolph Street, Lot 2A, Malden, MA**, and also known by **City Assessor's Parcel ID # 145-790-022**.

FINDINGS OF FACT AND DECISION:

The petitioner appeared represented by Attorney Patrick MacDonald requesting a variance to construct a single-family dwelling as per plans at the property known as and numbered 29 Rudolph Street. All statutory notices have been met and this petition is properly before the Board.

The property currently consists of a single-family dwelling situated on approximately 21,620 sq. ft. of land. The petitioner proposes to demolish the current structure and creating two separate single-family building lots known as Lot 1 with 10,818 sq. ft. and Lot 2A with 9,836 sq. ft. The petitioner is seeking relief from the frontage requirement for Lot 2A which currently has 20.27 sq. ft. instead of the required 50 ft. There is also a Lot 2B with 2,046 sq. ft. of land and having 35 ft. of frontage. However, this lot has been characterized as being of "questionable title" and therefore, its 35 ft. of frontage is not given consideration in meeting the zoning requirements. This along with the fact that this property is on a private way presents a hardship for the property owner.

The proposal would not be detrimental to this neighborhood and would represent an improvement to the area. Three abutters submitted letters of support and no one spoke in opposition.

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,

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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.

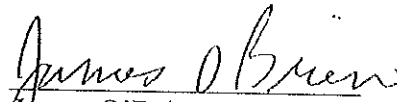
Upon motion of Deano Summers, which was seconded by Michael Steene, the Board voted unanimously to grant this petition, as per plans, with the following conditions:

1. There shall be no development of any kind permitted on Lot 2B.
2. Neither the petitioner (present owner) nor any successor in the title shall convey or transfer either Lot 2A or Lot 2B except contemporaneously with the other to the same grantee(s).

MEMBERS OF THE BOARD VOTING TO GRANT WERE:

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

Board of Appeal


James O'Brien
Chair