

# 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 July 21, 2016

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PETITION OF

Bryan Poisson on behalf of Interstate Food Equipment Service for a variance of Section 400.1.5.2, of Chapter 12 of the Revised Ordinances of 1991, as amended, of the City of Malden, dimensional controls for Manufacturing and Repair use, namely to construct an addition to the existing building, as per plans, at the property known as and numbered 36 Crystal Street, Malden, MA (also known by City Assessor's Parcel ID #128-437-702).

FINDINGS OF FACT AND DECISION

The Petitioner appeared represented by Attorney Thomas P. Callaghan, Jr. seeking a Variance from dimensional controls for an addition to the existing pre-existing, non-conforming structure. All statutory notice requirements have been met and this petition is properly before the Board for hearing.

The subject parcel, which contains approximately 20,447 square feet, is shown on a plan entitled Existing Conditions Plan of Land dated May 12, 2016 and the footprint of the proposed addition is shown on a plan entitled Certified Plot Plan with Proposed Addition, both plans prepared by Approach Architects, Inc., together with elevations and floor plans filed therewith.

The interior of the existing pre-existing, nonconforming structure has been demolished in preparation for a buildout. The subject parcel will be utilized for commercial restaurant equipment repair and service, including storage of parts and equipment categorized as a Manufacturing and Repair use under the Zoning Ordinance.

The Petitioner explained the proposed use of the building with details of the business, as well as the need for the single story addition with dimensions of 74.75' x 52.75'. The subject property is located in the Industrial-1 zoning district and all dimensional and parking requirements are met for the proposed addition with the exception of the side yard setback and lot coverage. The side yard setback is required to be 15 feet and 30 feet total for both sides with the proposed addition at 10.2' on the South lot line and .5' setback for the pre-existing structure on the North side. Also, the lot coverage would be increased from 36% to 54% in violation of the 50% lot coverage restriction.

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.

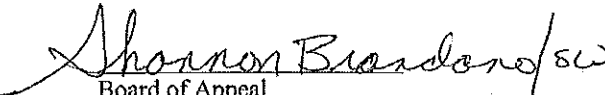
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In addition, the requested relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the purposes or intent of the zoning ordinance.

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.

**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  
Aug 4, 2016