

BOARD OF APPEAL DECISION

MEETING OF  
January 17, 2018

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PETITION OF:

Costas Hatzis, for a variance of Section 400.11.4, Chapter 12, of the Revised Ordinances of 1991 as Amended of the City of Malden, height requirements for accessory buildings to two family dwellings namely, to legalize garage as per plans, at the property known and numbered as 38 Avon Street, Malden, MA.

All statutory notices have been met and this petition is properly before the Board.

FINDINGS OF FACT AND DECISION:

**Theodore Hatzis**, on behalf of Costas Hatzis appeared before the Board on January 17, 2018. This petition was continued from last month to meet statutory requirements.

The petitioner purchased the property approximately four years ago. Mr. Hatzis is petitioning this Board to be permit a permitted garage to remain. The structure was not built according to the plans submitted to the Building Department, bringing it out of conformance to building height requirements.

No one spoke in opposition. Those who spoke in favor expressed their support in writing, to which all were abutters.

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, which was seconded by Claire Croken the Board voted unanimously to grant this petition.

MEMBERS OF THE BOARD VOTING WERE:

James O'Brien  
Claire Croken  
John King  
Shannon Brandano  
William Sullivan

Board of Appeal

*Shannon Brandano*  
Shannon Brandano  
Clerk