

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 June 16, 2016

Goldie/Wallace St.

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PETITION OF:

Gary DiBella for a variance of Section 400.1.2.1, of Chapter 12 of the Revised Ordinances of 1991, as amended, of the City of Malden, dimensional controls for single-family residential dwellings, namely, to construct a single-family, owner occupied residential dwelling, as per plans, at the property known as and numbered Goldie St. aka Wallace St, Malden, MA (also known by City Assessor's Parcel ID #169-542-229).

- The petition violates side yard setback variance to 5ft. 5 inches and rear yard setback variance to 5ft. 7 inches.*
- This property is listed in the assessor's records as 2,900 sq. ft. of undeveloped land.*
- To allow the construction of a single family, owner occupied home on lots that back a paper street and straddle the Revere/Malden line.*

FINDINGS OF FACT AND DECISION

The Petitioner's attorney, Joseph Cattoggio Jr., appeared before the Board seeking a variance to the dimensional controls for single family dwellings. All statutory notice requirements have been met and this petition is properly before the Board for hearing.

Chairman O'Brien informed the petitioner that there are only 4 Board members in attendance. All 4 voting members have to vote in the affirmative for a petition to be granted. Therefore, the petitioner has the option to request that a petition be tabled.

The subject parcel, which contains approximately 2,900 square feet of land, is shown on a plan entitled Plan of land in Malden & Revere, MA,

The subject parcel is currently undeveloped in a Residence A zoning district.

The petitioner proposes to construct an owner occupied, two-story, single-family residential dwelling including a two car garage with frontage, address and services in Revere, Ma.

The proposed construction will straddle the Malden and Revere City lines. It will front Goldie Street in Revere and back paper streets, Marvin & Wallace, in Malden. The two properties equal 58,000 sq. ft. of undeveloped land in a triangular shape and will require approval from the Conservations Commissions in both Cities.

No one spoke in favor of or in opposition to the Petition.

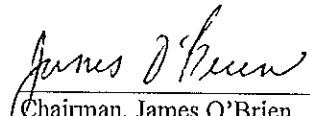
After due hearing, the Board found and adopted the facts as alleged by the Petitioner that due to unique circumstances relating to the land, a literal enforcement of the zoning ordinance would involve a substantial hardship, financial or otherwise, to the Petitioner.

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 John King and second by Virginie Nogara, the Board voted unanimously to grant this petition.

MEMBERS OF THE BOARD VOTING WERE

James O'Brien, Chair
Virginie Nogara
Claire Croken
John King


Chairman, James O'Brien
6. 20, 2016