

City of Malden

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

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2018 JUN 26 P 5: 00 Telephone 781-397-7100
Fax 781-397-7099

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BOARD OF APPEAL DECISION

June 20, 2018 Hearing

Petition of:

Andrew Layman (Trustee Sharon St. Trust) requests a variance of Section 400.1.5.10, 400.1.5.10 and Section 500.1.5.10, Chapter 12, of the Revised Ordinances of 1991 as Amended of the City of Malden, dimensional controls for light manufacturing namely, to construct addition violating side and rear setback requirements, increasing nonconforming lot coverage and violating parking space/spaces requirement as per plans, at the property known as and numbered 60 Sharon Street, Malden, Massachusetts, and also known by the City Assessor's Parcel ID# 127-436-602.

Findings of Fact

Petitioner is a sign company engaged in light manufacturing that seeks the present variances on account of its growing business and need for additional space. Petitioner represented that it needs these variances due to its increased business and desire to stay in its present location. Petitioner is seeking to add an addition to its present building for the purposes of parking its commercial vehicles. This addition would have a 0ft side setback, in violation of Section 400.1.5.10's requirement that light manufacturing use have a 10ft side setback. Petitioner similarly wishes to increase the parcel's nonconforming lot coverage under Section 400.1.5.10 and the parcel's nonconforming use under Section 500.1.5.10, requiring 1.2 parking spaces per 1,000 square feet of the parcel's gross floor area.

The Board read into the record several letters from Petitioner's neighbors, in support of this request.

Andrew and Randall Carlson, the owner of the property adjacent to 60 Sharon Street, spoke in opposition. The Carlson's own a manufacturing business, and expressed concerns that the proposed addition may interfere with their parking lot, which is directly adjacent to Petitioner's proposed addition.

Findings of Law

To grant a variance, the Board must find that (1) owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, (2) a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that (3) desirable relief may be granted without substantial detriment to the public good and (4) without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law. G.L. c. 40A, § 10A. “[A] decision of the board of appeals granting a variance cannot stand unless the board specifically finds that each statutory requirement has been met.” *Planning Bd. of Springfield v. Bd. of Appeals of Springfield*, 355 Mass. 460, 462 (1969).

As Petitioner wishes to extend and alter non-conforming uses on the parcel, the Board is similarly required to find that “such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.” G.L. c. 40A, § 6.

While the Board is cognizant of Petitioner’s desire to grow its business at 60 Sharon Street, Petitioner has not identified any support for the first requirement for a variance: unique conditions affecting the shape, topography, or soil conditions of the lot. Rather, Petitioner is requesting to expand its use of 60 Sharon Street well beyond the scope of this property’s zoning restrictions, without a showing that some unique condition of 60 Sharon Street requires an exception to these land use controls.

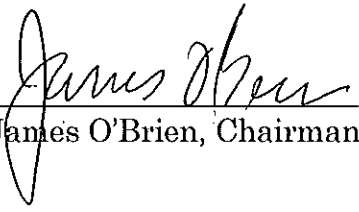
Conclusion

Upon motion by John King, which was seconded by Chairman O’Brien, the Board voted unanimously to deny Andrew Layman’s petition.

Andrew Layman (Trustee Sharon St. Trust) variance requests for 60 Sharon Street are DENIED.

Members of the Board Voting:

James O’Brien
John King
Michael Steene
William Sullivan
Adam Sherwin


James O'Brien, Chairman