

City of Malden

Massachusetts

Board of Appeal
110 Pleasant St.
Malden, Massachusetts 02148

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BOARD OF APPEAL DECISION

December 19, 2018 Hearing

Petition of:

Raymond A and Mary E Snow seek a variance of Section 800.4.1.3, Chapter 12, of the Revised Ordinances of 1991 as Amended of the City of Malden, Administration – to hear and decide appeals of decisions or orders made by the Inspector of Buildings or other administrative official, as per plans, at the property known as 84 Linden Ave., Malden, MA and also known by the City Assessor's Parcel ID # 050-282-211.

Findings of Fact

Petitioners are the owners of a multi-unit residential home, which they purchased in 1982. Petitioners represented that, when they purchased the home, it was sold to them as an eight-unit residential building. Petitioners later reviewed prior Board decisions, and learned that the Board in 1980 had granted the prior owner a variance to legalize the building as a seven-unit residential building, subject to several conditions. This prior owner, however, never recorded this decision.

Petitioners are in the process of selling the property and sought a legal determination from the Building Inspector as to the property's status. The Building Inspector determined that 84 Linden Avenue is a five-unit residential building.

Petitioners represented that they would suffer financial hardship if the property remains a five-unit residential building.

Findings of Law

Section 800.4.1.3 permits the Board to "hear and decide appeals of decisions or orders made by the Inspector of Buildings or other administrative official."

The Board finds no reason to overturn the Building Commissioner's decision on the number of units in 84 Linden Avenue. An administrative appeal provides the Board with little leeway in approving or denying a Building Commissioner's decision. The Board, however, is mindful of Petitioners' situation. To afford Petitioners an opportunity to obtain the relief they are seeking, the Board suggested that Petitioners request a withdrawal of their petition, for the purpose of allowing them to apply for a

special permit with the Planning Board, which has greater discretion in granting Petitioners' requested relief.

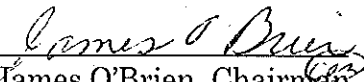
Conclusion


Upon motion by Adam Sherwin, which William Sullivan seconded, the Board unanimously granted Petitioners' request to withdraw their petition to the Board.

Raymond A and Mary E Snow's request to withdraw their petition without prejudice is GRANTED.

Members of the Board Voting:

James O'Brien
William Sullivan
Kathryn Bilgen
Adam Sherwin


James O'Brien, Chairman


Adam T. Sherwin, Esq.
Legal Member