

BOARD OF APPEAL
DECISION

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MEETING OF
OCTOBER 18, 2017
85 MORRIS STREET
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PETITION OF:

Christopher and Darlene Murray for a variance of Section 400.7.7 Chapter 12, of the Revised Ordinances of 1991 as Amended of the City of Malden, yard requirements for buildings accessory to single family dwellings namely, to construct a Patio/Shed at rear of existing single family dwelling as per plans at the property known as and numbered 85 Morris Street, Malden, MA and also known by City Assessor's Parcel ID 169-535-503.

All Statutory requirements have been met and this property is properly before the Board

FINDINGS OF FACT AND DECISION

The Petitioner, Christopher Murray appeared before the Board proposing to add onto an existing structure requiring a variance for a 3 foot setback where 6 feet is required within the dimensional controls regarding side yard setback.

IN FAVOR

Jadine Sica, Ward 8 Councilor voiced support and asked the Board to look favorably on this request. No one present. Also, O'Brien read into the record two letters received from abutting property owners (Michael Leneski of 81 Morris Street and Jim Carozza of 40 Monroe Street) both indicating support for the variance request.

OPPOSED

Attorney John Mackey, with Law office at Norwood Street, Everett, MA rose to speak on behalf of two clients, June Plona of 37 Sherman Street, Revere, MA and Claudia Vigliatti of 41 Sherman Street, Revere, MA. Attorney Mackey stated he represent both property owners who are both direct abutters, (to the rear) of the property requesting the variance. Attorney further stated the proposed location of the work is right up against the property line with his client's property and the size of the building concerns them as well as the potential loss of direct sunlight onto their properties being blocked this proposed work and building size increase.

After due hearing, the Board found and adopted the facts as alleged by the Petitioner and found no hardship as required pursuant to M.G.L. ch.40a.

Petitioner proposed that his swing set was an existing structure. An existing structure not applicable in accordance with M.G.L. ch.40a.

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Petitioner came before this Board for a variance with more than ample land to build his proposed structure without requiring a variance.


Based on the foregoing, this Board found no hardship due to unique circumstances relating to the land. This petition was improperly before this Board and a literal enforcement of the zoning ordinance would *not* involve a substantial hardship, financial or otherwise, to the Petitioner.

Upon motion of Shannon Brandano and seconded by Emery Haskell the Board voted to deny this petition with one Board member, Deano in favor.

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MEMBERS OF THE BOARD VOTING WERE

James O'Brien, Chair
Deano Summers
John King
Mike Steene
Emery Haskell
Claire Croken
Shannon Brandano, Clerk


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