

City of Malden

Massachusetts
Board of Appeal
200 Pleasant Street, Room 419
Malden, Massachusetts 02148

RECEIVED

2016 JUN -2 P 3: 42

CITY CLERK'S OFFICE
MALDEN, MASS.

Telephone 781-397-7000 Ext. 2031
Fax 781-397-7362

BOARD OF APPEAL

DECISION

Meeting of May 19, 2016

105 Salem Street

PAGE 1

PETITION OF

Phung/Porzio Studio of Architecture on behalf of Jumanthro Sianturi for a variance of Section 400.1.4.9 & 500.1.4.12, of Chapter 12 of the Revised Ordinances of 1991, as amended, of the City of Malden, dimensional controls and parking requirements for general offices, namely, to extend office space into the basement, as per plans, at the property known as and numbered 105/105A Salem Street, Malden, MA (also known by City Assessor's Parcel ID #087-264-407).

FINDINGS OF FACT AND DECISION

The petitioner appeared, represented by attorney Thomas P. Callaghan, Jr., seeking a variance from dimensional controls and parking requirements for general offices. All statutory notice requirements have been met and this petition is properly before the Board for hearing.

The subject parcel, which is located in the Residential Office zoning district contains 9,945 square feet, as shown on a plan entitled "Plot Plan Showing Existing Conditions at 105 Salem Street, Malden, Massachusetts" dated April 8, 2016 prepared by Westgate Survey and Engineering Associates. The proposed improvements to the basement are shown on plans entitled "Proposed Renovation to Basement @ Salem St., Malden MA" dated February 18, 2016 prepared by Phung/Porzio STUDIO OF ARCHITECTURE. There is no change to the footprint of the building.

The owner, Northstars Realty, LLC, intends to occupy the basement for office use and storage after making improvements detailed in the plans to allow for full and complete egress from the basement to the outside at the rear of the property. There is a total gross floor area at the subject property, including the basement, of approximately 4,200 square feet with a parking requirement of 4 spaces per 1,000 square feet of gross floor area for office use and the plans showing 16 existing parking spaces.

No one spoke in favor.

Frances Waltman, a neighbor residing at 15 Albion Street, rose to speak during the opposition portion of the hearing. However, Ms. Waltman stated she was not against the project, but expressed concern about the handling of snowplowing. In fact, Ms. Waltman confirmed the Petitioner's statement that there is adequate parking currently at the site with consistent unused spaces.

The Board questioned that the Petitioner on the "kitchen" area shown on the plans which the Petitioner explained was not intended to be a kitchen, but rather a small area with a sink and microwave for the use of the office. There was further discussion regarding the size of the office area, as opposed to storage space, and the Petitioner agreed to limit the build-out of office space, not including the bathroom and sink/microwave area, to 500 square feet.

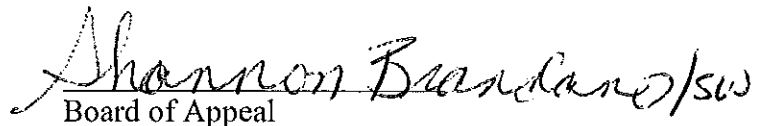
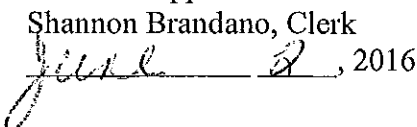
After due hearing, the Board found and adopted the facts as alleged by the Petitioner that due to unique circumstances relating to the land, a literal enforcement of the zoning ordinance would involve a substantial hardship, financial or otherwise, to the Petitioner.

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 Claire Croken the Board voted unanimously to grant this Petition for a Variance from the dimensional controls and parking requirements for general offices, subject to the office build-out being limited to 500 square feet.

MEMBERS OF THE BOARD VOTING WERE

James O'Brien, Chair
Viginie Nogara
Claire Croken
John King
Shannon Brandano, Clerk


Board of Appeal
Shannon Brandano, Clerk
 , 2016