

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 August 18, 2016

115 Bellvale Street
PAGE 1 of 2

PETITION OF:

Christopher G. Luongo for a variance of Section 400.1.2.2.1, of Chapter 12 of the Revised Ordinances of 1991, as amended, of the City of Malden, dimensional controls for two-family residential dwellings, namely, to construct a second floor porch and stairs for egress and enclose the area under the porch for storage, as per plans, at the property known as and numbered 115 Bellvale Street, Malden, MA and also known by City Assessor's Parcel ID #166-549-915.

- Two-family residential dwelling consisting of 2 Units, 3 Bedrooms and 2 bathrooms on approximately 3,500 sq. ft. of land in a Residence A Zoning Dist.*
- Seeking Left (10ft) and Rear yard (20ft) set-back variance to construct an 8.2 X 14.7 second floor porch, stairs and a 4.4 X 5.0 landing for egress and to enclose the area under the porch for storage.*

FINDINGS OF FACT AND DECISION

The Petitioner appeared before the Board and proposes to build a deck in a location that had a previous deck. All statutory notice requirements have been met and this petition is properly before the Board for hearing.

The subject parcel, which contains approximately 3,500 sq. ft. of land has an existing violation and this proposal would increase it. The proposal violates rear yard and left side setbacks.

The Petitioner proposes to build a deck. The proposed location is open and is a safety issue requiring the petitioner to build as per plans an "open" deck.

The Board requested the petitioner make the proposed deck, as per plans, 2' smaller in depth, making it flush to the existing structure where the subject parcel is already non-conforming.

No one spoke in opposition to the Petition. Janet DeRoche, an abutting neighbor spoke in favor of this 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 Deano Summers and second by Virginia Nogara, the Board voted unanimously to grant this Petition for a Variance from the dimensional controls subject to the following condition:

1. Petitioner shall amend plans submitted before the BOA, making the proposed deck 2' smaller in depth, making the proposed deck flush with the existing structure.

MEMBERS OF THE BOARD VOTING WERE

James O'Brien, Chair
Virginia Nogara
Deano Summers
John King
Emery Haskell
Shannon Brandano, Clerk


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~~Sept~~ 1, 2016