

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 May 19, 2016

140 Eastern Ave.
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PETITION OF:

Richard E. Gottschalk Jr. on behalf of K&R Realty Trust for a variance of Section 500.2.2 & 500.2.3; of Chapter 12 of the Revised Ordinances of 1991, as amended, of the City of Malden, General off-street parking requirements, namely, to vary the Isle width and Driveway access/egress, as per plans, at the property known as and numbered 140 Eastern Ave., Malden, MA (also known by City Assessor's Parcel ID #086-269-904).

- This petition violates general off-street parking requirements, namely isle width and driveway access/egress.*
- This property is listed in the assessor's records as a factory with an industrial building consisting of approximately 16,692 sq. ft. of land.*
- Special permit previously granted?*

FINDINGS OF FACT AND DECISION

The Petitioner Richard Gottschalk represented by George Warren, Esq. seeking a Variance to the isle width and driveway for access/egress. All statutory notice requirements have been met and this petition is properly before the Board for hearing.

The subject parcel, which contains approximately 16,692 square feet, is shown on a plan entitled 140 Eastern Avenue,

The subject parcel is currently utilized for residential and commercial use.

The Petitioner explained that they are seeking to vary 1' shortage at the corner and 11' in rear or residential portion at the direction of planning. The left rear side need to be 18' and the petitioner only has 17'

The subject property is located in the Central Business zoning district

No one spoke in favor of or in opposition to the Petition.

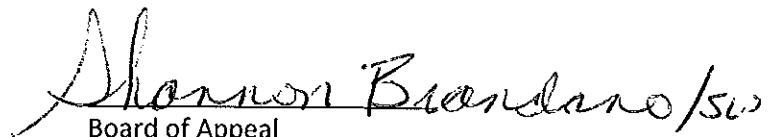
After due hearing, the Board found and adopted the facts as alleged by the Petitioner that due to unique circumstances relating to the land, a literal enforcement of the zoning ordinance would involve a substantial hardship, financial or otherwise, to the Petitioner.

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 Shannon Brandano and second by John King, the Board voted unanimously to grant this Petition for a Variance.

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
June 7, 2016