

City of Malden

Massachusetts

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

RECEIVED

2016 SEP 29 P 1:08

CITY CLERK'S OFFICE
Malden, Massachusetts
Telephone 781-397-7000 Ext. 2031
Fax 781-397-7362

BOARD OF APPEAL DECISION

Meeting of September 15, 2016

188 Broadway
PAGE 1 of 1

PETITION OF: (tabled August 18, 2016)

Phung/Porzio Studio of Architecture on behalf of Donald Nally for a variance of Section 400.1.2.1, of Chapter 12 of the Revised Ordinances of 1991, as amended, of the City of Malden, dimensional controls for single-family residential dwellings, namely, to construct a 9 x 26 ft. 2 ½ story addition to the right side of the existing structure, as per plans, at the property known as and numbered 188 Broadway, Malden, MA (also known by City Assessor's Parcel ID #126-484-437).

- *The proposed 9 x 26 ft. 2 ½ story addition violates the right side-yard setback.*
- *This property is a single family dwelling consisting of 1 Unit, 2 Bedrooms, 1 bath and 1- ½ bath on approximately 2,692 sq. ft. of land in a Highway Business Zoning District*

FINDINGS OF FACT AND DECISION

The Petitioner Donald Nally represented Attorney, Pat MacDonald seeking a Variance to the dimensional controls for single-family residential dwellings, namely, to construct a 9 x 26 ft. 2 ½ story addition to the right side of the existing structure All statutory notice requirements have been met and this petition is properly before the Board for hearing.

The Property is located within the "Highway Business" district. The interior of the existing dwelling is approximately 1,100 sq. ft. of living space. The petitioner proposes to add 468 sq. ft. by constructing an addition for a bedroom and living room.

A proposed hardship exists where due to the shape of the lot and size. The petitioner does not propose to expand the density of the property for purposes outside a single-family dwelling and proposes a modest extension to accommodate his family who will occupy the existing dwelling.

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.

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 Deano Summers, the Board voted unanimously to grant this petition.

MEMBERS OF THE BOARD VOTING WERE

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


Board of Appeal
Shannon Brandano, Clerk