



Town of Arlington
Zoning Board of Appeals
51 Grove Street
Arlington, Massachusetts 02476
781-316-3396
www.arlingtonma.gov

LEGAL NOTICE

Notice is herewith given in accordance with the provisions of Section 3.2.3A of the Zoning Bylaws that there has been filed by **Gustavo Pardo** of Arlington, Massachusetts on January 8, 2021 a petition seeking permission to alter his property located at **123 Westminster Avenue - Block Plan 085.0-0005-0001.0** Said petition would require a Variance under **Section 5.4.2 Dimensional and Density Requirements** of the Zoning Bylaw for the Town of Arlington.

Hearing in regard to the said petition will be remotely conducted via "Zoom" **Tuesday evening February 23, 2021, at 7:30 P.M or as soon thereafter as the petitioner may be heard. Please visit the Town of Arlington website for hearing information.**

DOCKET NO 3649

Zoning Board of Appeals
Christian Klein, RA, Chair

For information contact: **ZBA@town.arlington.ma.us**

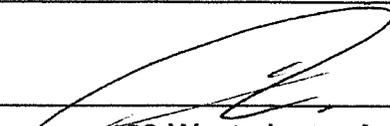
REQUEST FOR VARIANCE

TOWN OF ARLINGTON

In the matter of the Application of Gustavo Pardo
to the Zoning Board of Appeals for the Town of Arlington:
Application for a variance is herewith made, in accordance with
Section 10.12 of the Zoning Bylaw for the Town of Arlington,
seeking relief from the following specific provisions of the Zoning
Bylaw, and as described more fully in the attached form, Variance
Criteria: 5.4.2. Dimensional and Density Requirements

The Petitioner/Applicant states he/she/they is/are the owner -
occupant of the land in Arlington located at 123 Westminster Ave
with respect to such relief is sought; that no unfavorable action
has been taken by the Zoning Board of Appeals or its predecessors
upon a similar petition regarding this property within the two (2)
years next immediately prior to the filing hereof. The applicant
expressly agrees to full compliance with any and all conditions and
qualifications imposed upon this permission, whether by the Zoning
Bylaw or by the Zoning Board of Appeals, should the same be
granted. The Applicant represents that the grounds for the relief
sought are as follows: Due to the slope of the front yard and extensive retaining rock walls on
a corner lot, we are looking for relief on the set back requirements for a non permanent, greenhouse structure.

The house is a registered historical house in the historical district of Mt. Gilboa. After discussing the plans with
the Historical Commission in an informal hearing, the advisory was to keep the greenhouse structure to the side
of the house to prevent any blocked views of the house. The greenhouse does not have a foundation and is designed
to complement the historic aesthetic of the house, however, the sheer slope of the property, and guidance from the
Historical Commission prohibit the proposed location from meeting the existing setback requirements.

E-Mail gpardoch@gmail.com Signed  Date: 12/08/2020
Telephone 413 687 4441 Address 123 Westminster Ave Arlington MA

Variance Criteria- A variance may only be granted when **all of the four criteria are met:**

1). Describe the circumstances relating to *the soil conditions, shape or topography which especially affect the land or structure (s)* in question, but which do not affect generally the Zoning District in which the land or structure is located that would substantiate the granting of a variance.

The property is elevated on a steep slope. The front of the property has extensive retaining walls and very limited flat area.

The flat area in the front of the ouse is compromised by both insufficient distances from the property line and siting in front of the house, which is not permissible by the historic commission.

2). Describe how the literal enforcement of the provisions of the zoning ordinance relating to the circumstances especially affecting the land or structure in question would involve *substantial hardship, financial or otherwise*, to the petitioner.

There are no alternative options to the site for the greenhouse. Topography, retaining walls and the Historic Commission are all

critical factors in the site. Collectively, we need to abide by the location advisory of the Commission and the reality of the amount

of space on the property that enables a structure on the property. Locating the greenhouse in compliance with zoning will place it

in front of the house, which will no be allowed by the Historical Commission.

(Note that 2, hardship, must relate to the circumstances of the lot described in 1. For example a stone outcrop prohibits development consistent with zoning.)

3). Describe how desirable relief may be granted *without substantial detriment to the public good*.

We are building a non-permanent structure that will be blended with the topography and natural landscape. Relief will not

compromise or jeopardize the public good in any way.

4). Describe how desirable relief may be granted *without nullifying or substantially derogating from the intent or purpose of the zoning bylaw* of the Town of Arlington.

The setback requirements create consistency for common building practices and protect the integrity of building structures.

This application seeks to comply with the Historic Commission and work within the siting limitations to find the best location

in the site for this non-permanent structure.

State law (MGL Ch. 40A) specifies that the ZBA must find that all four criteria are met in order to be authorized to grant a variance. If one of the standards is not met, the ZBA must deny the variance.

TOWN OF ARLINGTON
 Dimensional and Parking Information
 For application to The Zoning Board of Appeals

1. Property Location: 123 Westminster Aver Arlington MA 02474 Zoning District: R1 Single
2. Present Use/Occupancy: Residential No. of dwelling units (if residential) 1
3. Existing Gross Floor Area (see definition of Gross Floor Area (GFA) in Article 2 of the Town of Arlington Zoning Bylaw and provide supporting documentation (worksheet) showing dimensions of GFA by floor: 2700 SF
4. Proposed Use/Occupancy: Greenhouse No. of dwelling units (if residential) _____
5. Proposed Gross Floor Area (see definition of Gross Floor Area in Article 2 of the Town of Arlington Zoning Bylaw and provide supporting documentation (worksheet) showing dimensions of GFA by floor): 96 SF

	Present Conditions	Proposed Conditions	Min. or max Required by Zoning
6. Lot size (sq. ft.)	10000	10000	min.
7. Frontage (ft.)	100	100	min.
8. Floor area ratio	.27	.27	max.
9. Lot Coverage (%)	12.8	13.76	max
10. Lot Area per Dwelling Unit (sq. ft.)	10000	NA	min.
11. Front Yard Depth (ft.)	50	13	min. 25
12. Left Side Yard Depth (ft.)	38	NA	min.
13. Right Side Yard Depth (ft.)	25	3	min.
14. Rear Side Yard Depth (ft.)	12	NA	min.
15. Height (stories)	3	1	max.
16. Height (ft.)	32	32	max.
17. Landscaped Open Space (% of GFA) Sq. ft. <u>8174</u>	22.06	21.84	min.
18. Usable Open Space (% of GFA) Sq. ft. <u>8174</u>	22.06	21.84	min.
19. Parking Spaces (number)	2	2	min.
20. Parking area setbacks	NA	NA	min.
21. Loading Spaces (if applicable)	NA	NA	min.
22. Type of construction		Accessory building	greenhouse

OPEN SPACE/GROSS FLOOR AREA

Refer to Zoning Bylaw Article 2, Definitions and Article 6, Dimensional Regulations

Address 123 Westminster Ave Arlington MA

Zoning District R1 - Single Family

<u>OPEN SPACE</u>	EXISTING	PROPOSED
Total lot area	<u>10000</u>	<u>10000</u>
Open Space (Usable)*	<u>8174</u>	<u>8098</u>
Open Space (Landscaped)	<u>8174</u>	<u>8098</u>

*Usable Open Space must be at least 75% open to the sky, free of automotive, traffic and parking, and readily accessible. Open space shall be deemed usable only if : 1) at least 75% of the area has a grade of less than 8% and no horizontal dimension less than 25 feet.

GROSS FLOOR AREA (GFA)

Accessory building	<u>80</u>	<u>176</u>
Basement or cellar (>5' excluding mechanical area)	<u>738</u>	<u>738</u>
1 st Floor	<u>885</u>	<u>885</u>
2 nd Floor	<u>683</u>	<u>683</u>
3 rd Floor	<u>161</u>	<u>161</u>
4 th Floor	<u> </u>	<u> </u>
5 th Floor	<u> </u>	<u> </u>
Attic (>7'3" in height, excluding elevator, mechanical)	<u> </u>	<u> </u>
Parking garages (except as used for accessory Parking garages or off street loading purposes)	<u> </u>	<u> </u>
All weather habitable porches and balconies	<u>364</u>	<u>364</u>
Total Gross Floor Area (GFA)	<u>2911</u>	<u>3007</u>

REQUIRED MINIMUM OPEN SPACE AREA

Proposed Usable Open Space Percent of GFA	<u>6993</u>
Proposed Landscaped Open Space Percent of GFA	<u>6993</u>

This worksheet applies to plans dated 12/08/2020 designed by Gustavo Pardo

Reviewed by Inspectional Services _____ Date: _____



TOWN OF ARLINGTON
MT GILBOA/CRESCENT HILL
HISTORIC DISTRICT COMMISSION
CERTIFICATE OF APPROPRIATENESS

AT A MEETING OF THE COMMISSION DULY HELD ON:

Date: December 17, 2020

IT WAS VOTED TO GRANT THIS CERTIFICATE OF APPROPRIATENESS (20-65M) TO:

Name: Gustavo Pardo and Christina Halfpenny
Address: 123 Westminster Ave., Arlington, MA 02474 (413) 687-4441

WITH RESPECT TO THE PROPERTY LOCATED IN SAID DISTRICT AT

Address: 123 Westminster Ave., Arlington MA

FOR THE FOLLOWING WORK ONLY, WHICH HAS BEEN DEEMED NOT TO HAVE AN INCONGRUOUS EFFECT ON THE HISTORIC ASPECTS OR ARCHITECTURAL CHARACTER OF THE BUILDING OR DISTRICT.

AS DESCRIBED IN APPLICATION AND DRAWINGS AS PRESENTED AND DISCUSSED AT MEETING OF 12/17/20 INSTALLATION OF A WOOD FRAMED GREENHOUSE. THE COMMISSION NOTE THAT THIS APPROVAL IS CONTINGENT ON SITE SPECIFIC ELEMENTS AND DOES NOT SET A GENERAL PRECEDENT FOR THE DISTRICTS.

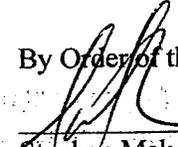
NOTE: All work shall be carried out strictly as illustrated and specified in the application hereto and as may have been modified by the Commission. The term "match" if used herein means the exact replication in material, dimension, configuration, spacing, pattern, texture, finish and (where appropriate) color. Any additional work outside the scope of this certificate, or material deviation therefrom, may NOT be initiated without a new certificate or modification of this certificate by the Commission.

The Project Monitor for this certificate is **Beth Melofchik; (617) 331-8728; Email: Tankmadel@yahoo.com**

Any further modifications of design or construction documents must be consistent with this certificate. Such documents shall be submitted to, and all work is subject to final acceptance by, the Project Monitor. Said Monitor may approve substitutions or modifications arising from unforeseen circumstances only to the extent they do not deviate from the intent of this certificate. Such approvals shall in no way relieve the applicant from other appropriate regulations or necessary permits and shall not be construed as professional advice in any form. The Commission reserves the right to report all significant deviations from this certificate to the Director of Home Improvement Contractor Registration.

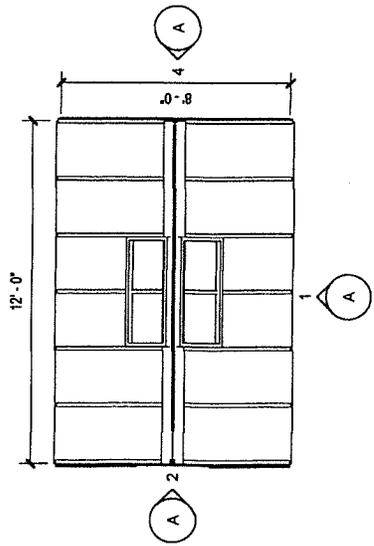
This certificate is granted with the conditions that, unless noted, the work shall be completed within one year from the date of this certificate and that it shall be incorporated into any agreements between the applicant and his contractors. Although the Building Permit may be general in nature, it does not override the particularity of this Certificate which is to be considered incorporated into the Permit whether or not a copy of it is actually attached thereto.

By Order of the Commission:

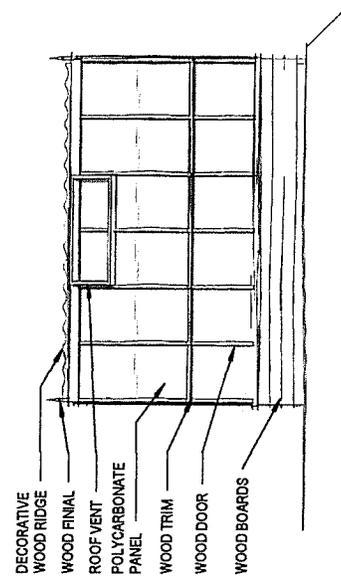

 Stephen Makowka, Chair

12/21/20
 Dated

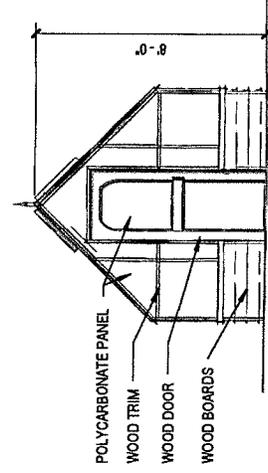
Applicant Building Insp. Orig./Exec. Sec. Monitor Town Clerk Chair File



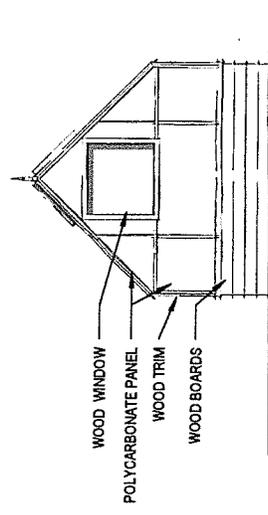
Plan



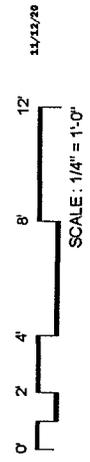
Elevation 2



Elevation 3

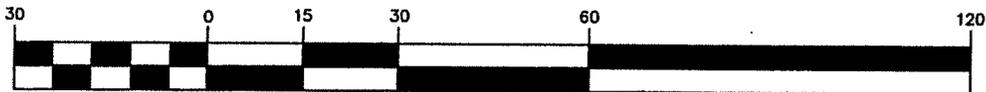


Elevation 1

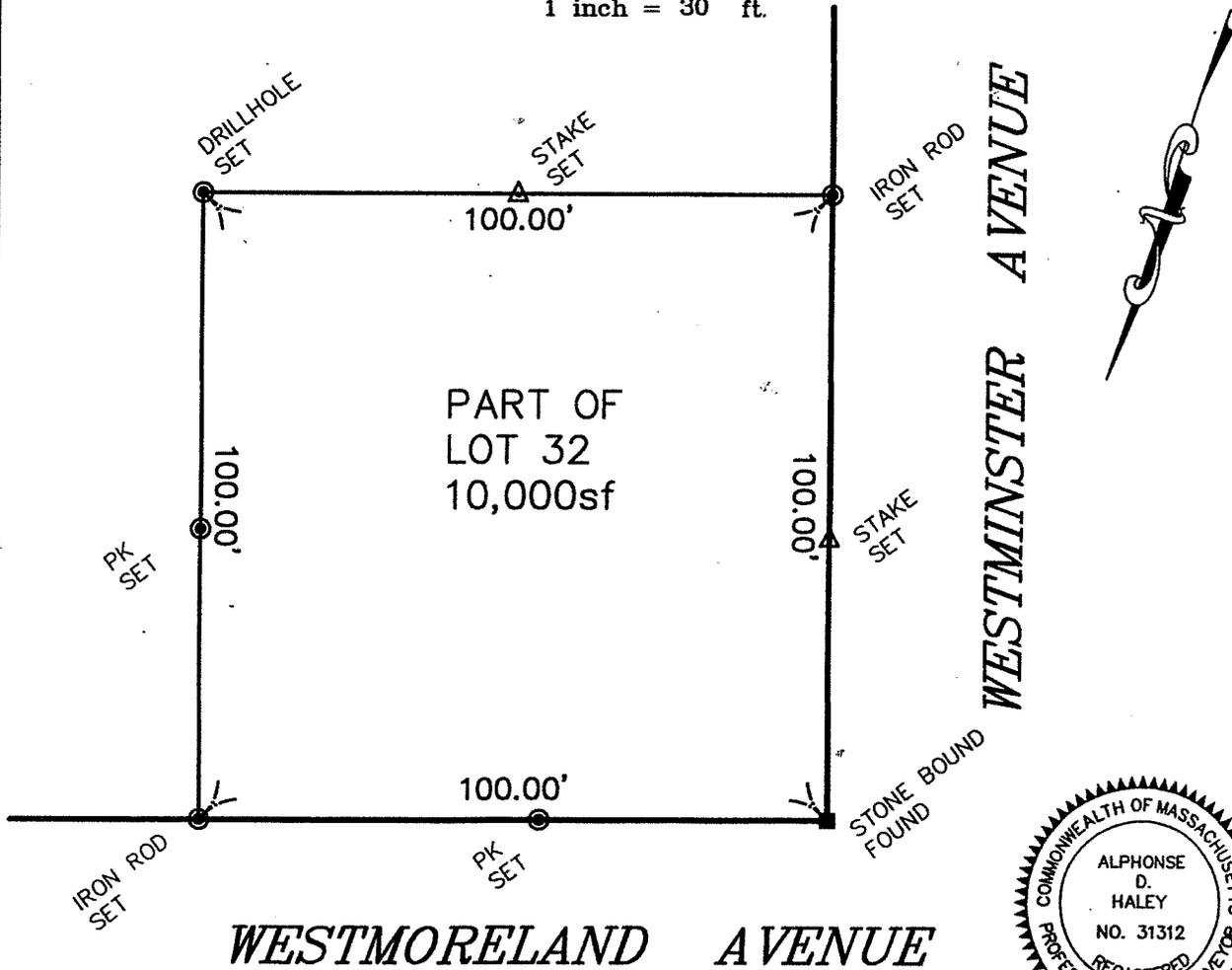


NO. 123 WESTMINSTER AVENUE
 PLAN OF LAND
 IN
ARLINGTON, MASS.
 MIDDLESEX SURVEY INC. LAND SURVEYORS
 131 PARK STREET NORTH READING, MA. 01864
 SCALE: 1" = 30' DATE: DEC. 15, 1999

GRAPHIC SCALE



(IN FEET)
 1 inch = 30 ft.



Note:

This plan was not prepared for recording. it is the result of a retracement survey and illustrates the type of monument set at the property corners. No other use of this plan is authorized.

ARLINGTON, MA

MIDDLESEX SURVEY INC. LAND SURVEYORS

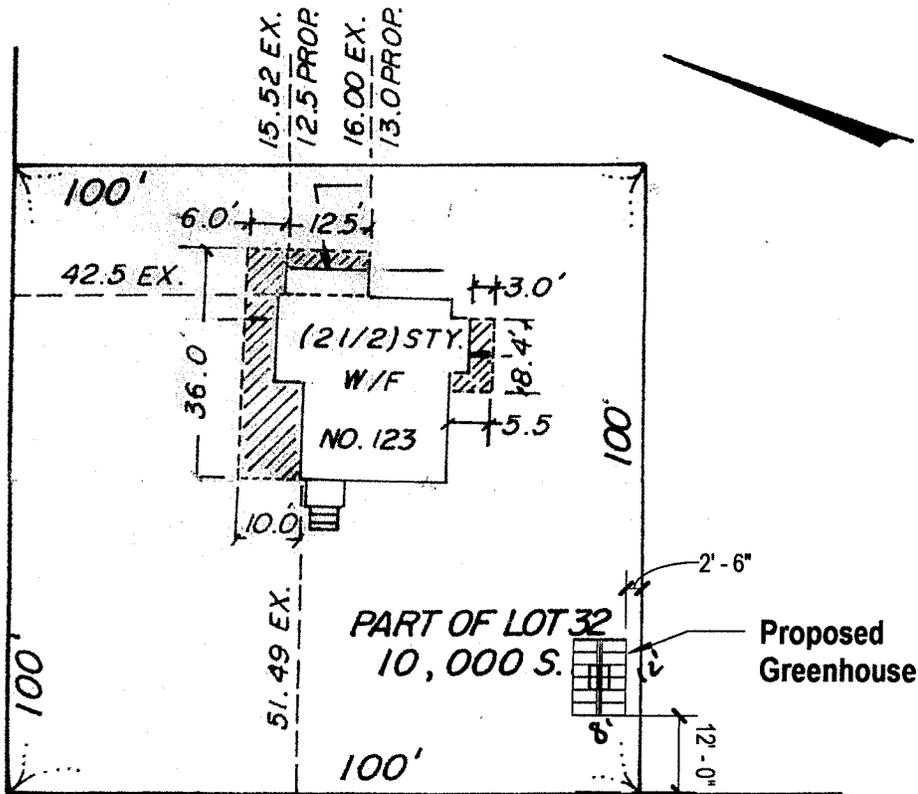
131 PARK STREET NORTH READING, MA 01864

Scale: 1" = 30' Date: March 16, 1997

Graphic Scale



WESTMORELAND AVE.



WESTMINSTER AVE.

I CERTIFY THAT THE EXISTING DWELLING IS
LOCATED AS SHOWN.
DATE: 3/16/97

Registered Land Surveyor

