



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 **WR Builders Inc.** of Newton, Massachusetts on October 10, 2021, a petition seeking permission to alter their property located at **25 Highland Avenue - Block Plan 127.0-00050003.0** Said petition would require a Variance under **Section 6.1.10 (A)** of the Zoning Bylaw for the Town of Arlington.

A hearing in regards to the petition will be conducted remotely via "Zoom" **Tuesday evening November 23, 2021 at 7:30 P.M or as soon thereafter as the petitioner may be heard. To join the meeting, please register using the following URL:**

<https://town-arlington-ma-us.zoom.us/meeting/register/tZMkd-murTssGdFShvZ8W9NJD8593-JnRDPd>

for documentation relating to this petition, visit the ZBA website at www.arlington.gov/zba.

DOCKET NO 3677

Zoning Board of Appeals
Christian Klein, RA, Chair

Please direct any questions to: **ZBA@town.arlington.ma.us**

REQUEST FOR VARIANCE

TOWN OF ARLINGTON

In the matter of the Application of 25 Highland Ave, Arlington MA

to the Zoning Board of Appeals for the Town of Arlington:

Application for a Variance is herewith made, in accordance with Section 3.2 of the Zoning Bylaw of the Town of Arlington, Massachusetts seeking relief from the following specific provisions of the Zoning Bylaw, and as described more fully in the attached form, *Variance*

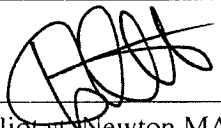
Criteria:

Front yard Parking for 2 vehicles 20' wide and 18' deep

The Petitioner/Applicant states he/she/they is/are the owner-occupant of the land in Arlington located at 25 Highland Ave with respect to such relief is sought; that no unfavorable action has been taken by the Zoning Board of Appeals 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:

Property at 25 Highland ave currently has no parking at all. All vehicles need to be parked on the street in the winter months obstructing the snow removal and street cleaing in the rest of the year.

E- Mail: ramolpartners@gmail.com

Signed: 

Date: 10.7.2021

Telephone: 6176822522

Address: 397 Elliot st, Newton MA 02464

Variance Criteria:

The power of the Board of Appeals to grant a Variance from the literal application of the Zoning Bylaw is strictly limited by State Law. Under MGL, Chapter 40a, Section 10, the Board of Appeals must “specifically find” for a particular piece of land or a specific structure that “owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ... by-law would involve substantial hardship, financial or otherwise, to the petitioner ... , and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or bylaw.” (emphasis added.)

Thus, Under State Law, a Variance may only be granted when **all of the four (4) following criteria are met:**

1). Describe the circumstances relating to the soil conditions, shape, or topography especially affecting such land or structures but not affecting generally the Zoning District in which it is located that would substantiate the granting of a Variance.

There will be no change to the soil condition or shape. Topography will be slightly affected as the top layer of the soil needs to be removed in order to have the flat surface from the Highland ave into the front yard parking. 20x18 will be the space needed for parking. No structures will be affected in the process.

2). Describe how a literal enforcement of the provisions of the Zoning Bylaw, specifically relating to the circumstances affecting the land or structure noted above, would involve substantial hardship, financial or otherwise, to the Petitioner or Appellant.

Not having the parking next to the property is the biggest inconvenience for the owners. Property is getting renovated currently and will be ready for new owners to occupy very shortly. Having parking located right at the house will be first and foremost the safety measure for the children or elderly occupant.

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

There will be no detriment to the public good with allowing the front yard parking at 25 Highalnd ave.

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, Massachusetts.
The purpose of this Bylaw is to promote health, safety, convenience, morals and welfare of the inhabitants of the Town of Arlington; to lessen congestion in the streets. By allowing to add front yard parking at 25 Highland ave, the Zoning Bylaw will accually fullfill its purpose. Cars will be removed and this will promote safety and convenience for the owners.

State Law (MGL Chapter 40a, Section 10) requires that the Zoning Board of Appeals must find that all four (4) criteria are met in order to be authorized to grant a Variance. If any one of the standards is not met, the Board must deny the Variance.

TOWN OF ARLINGTON
Dimensional and Parking Information
For Applications to the Zoning Board of Appeals

1. Property Location: 25 Highland Ave Zoning District: _____

2. Present Use/Occupancy: 2-Family No. of dwelling units 2

3. Existing Gross Floor Area (refer to Section 5.3.22 of the Zoning Bylaw and provide supporting documentation [worksheet and drawings] showing dimensions of GFA by floor):
2,366 Sq. Ft.

4. Proposed Use/Occupancy: _____ No. of dwelling units _____

5. Proposed Gross Floor Area (refer to Section 5.3.22 of the Zoning Bylaw and provide supporting documentation [worksheet and drawings] showing dimensions of GFA by floor):
4,161 Sq. Ft.

	Present Conditions	Proposed Conditions	Min. or max Required by Zoning
6. Lot size (Sq. Ft.)	4,878	4,878	min.
7. Frontage (Ft.)	20.8	20.8	min.
8. Floor area ratio			max.
9. Lot Coverage (%)			max
10. Lot Area per Dwelling Unit (Sq. Ft.)			min.
11. Front Yard Depth (Ft.)	24.8	24.8	min.
12. Left Side Yard Depth (Ft.)	7.2	7.2	min.
13. Right Side Yard Depth (Ft.)	14.7	14.7	min.
14. Rear Yard Depth (Ft.)	17.8	9	min.
15. Height (Stories)			max.
16. Height (Ft.)			max.
17. Landscaped Open Space (Sq. Ft.) Refer to Section 2 in the Zoning Bylaw.			
17A. Landscaped Open Space (% of GFA)			min.
18. Usable Open Space (Sq. Ft.) Refer to Section 2 in the Zoning Bylaw.			
18A. Usable Open Space (% of GFA)			min.
19. Number of Parking Spaces	0	2	min.
20. Parking area setbacks (if applicable)			min.
21. Number of Loading Spaces (if applicable)			min.
22. Type of construction			N/A
23. Slope of proposed roof(s) (in. per ft.)			min.

TOWN OF ARLINGTON
Open Space / Gross Floor Area Information
For Applications to the Zoning Board of Appeals

Refer to Section 2: *Definitions*, and Section 5: *District Regulations* in the Zoning Bylaw of the Town of Arlington before completing this form.

Address: 25 Highland Ave Zoning District: _____

<u>OPEN SPACE*</u>	<u>EXISTING</u>	<u>PROPOSED</u>
Total lot area	<u>4,878</u>	<u>4,878</u>
Open Space, Usable	_____	_____
Open Space, Landscaped	_____	_____

* Refer to the Definitions in Section 2 of the Zoning Bylaw.

GROSS FLOOR AREA (GFA) †

Accessory Building	_____	_____
Basement or Cellar (meeting the definition of Story, excluding mechanical use areas)	<u>0</u>	<u>935</u>
1 st Floor	<u>1,183</u>	<u>1,183</u>
2 nd Floor	<u>1,183</u>	<u>1,183</u>
3 rd Floor	_____	_____
4 th Floor	_____	_____
5 th Floor	_____	_____
Attic (greater than 7'-0" in height, excluding elevator machinery, or mechanical equipment)	<u>0</u>	<u>860</u>
Parking garages (except as used for accessory parking or off-street loading purposes)	_____	_____
All weather habitable porches and balconies	_____	_____
Total Gross Floor Area (GFA)	<u>2366</u>	<u>4,161</u>

† Refer to Definition of Gross Floor Area in Section 2 and Section 5 of the Zoning Bylaw.

REQUIRED MINIMUM OPEN SPACE AREA

Landscaped Open Space (Sq. Ft.)	_____	_____
Landscaped Open Space (% of GFA)	_____	_____
Usable Open Space (Sq. Ft.)	_____	_____
Usable Open Space (% of GFA)	_____	_____

This worksheet applies to plans dated 8.24.21 designed by Derby Square & FSC
Framingham Survey Consultants

Reviewed with Building Inspector: _____ Date: _____

