



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

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MEMORANDUM

To: Zoning Board of Appeals
From: Jennifer Raitt, Director, Dept. of Planning and Community Development
Marisa Lau, Senior Planner
Date: 3/28/2022
RE: Docket 3688 – 44 Edmund Road; Special Permit under Zoning Bylaw 8.1.3(C)
(Nonconforming Single-Family or Two-Family Dwellings)

The applicant, James Cipher, seeks a Special Permit in accordance with Section 8.1.3(C) (Nonconforming Single-Family or Two-Family Dwellings) of the Zoning Bylaw. The applicant seeks to construct a two-story addition to the rear of their single-family home for additional living space. The addition would increase the total square footage from 1,380 SF to 2,156 SF (+776 SF). Staff notes that due to the size of the requested addition a Special Permit is also needed for a large addition under Section 5.4.2(B)(6) (Large Additions). The proposed lot coverage would increase from 14.8% to 22.8% (+8%).

The existing structure, which is in the R1 Zoning District, is nonconforming with the Zoning Bylaw's lot size; frontage; front, left and right side yard requirements. The proposed addition would increase the nonconformity of the right side yard setback by reducing it from 8.9 to 8.1 feet (-0.8 feet) and of the left side yard setback from 8.2 to 8.1 feet (-0.1 feet). This proposed change also reduces the overall usable open space. Because the addition extends the exterior walls of the principal structure along the same line, under Section 8.1.3(C) of the Zoning Bylaw, the Board may grant a Special Permit provided it finds that the extension is not substantially more detrimental to the neighborhood than the existing nonconforming dwelling.

The following is an application of the Special Permit criteria (Zoning Bylaw Section 3.3.3):

Criterion #1: Requested Use

The requested use is permitted through a Special Permit in the R1 zoning district.

Criterion #2: Public Convenience/Welfare

This proposal would provide additional living space to accommodate the owner's growing family.

Criterion #3: Undue Traffic Congestion/Impairment of Public Safety

There would not be an increase in traffic congestion or an impairment of public safety.

Criterion #4: Undue Burden on Municipal Systems

There would not be an undue burden on municipal systems.

Criterion #5: Special regulations

This proposal would not result in the need for special regulations.

Criterion #6: Integrity/Character of District; Detrimental to Health, Morals, Welfare

The addition will be in the rear yard of the property and designed to complement the scale and style of the existing structure and adjacent homes in the neighborhood.¹ This proposal does not threaten neighborhood character, nor is it detrimental to health, morals, or welfare.

Criterion #7: Detrimental Excess in Particular Use

There would not be any detrimental excesses.

Below are aerial and street-based photos of the current building:



¹ Residential Design Guidelines, Principles A-1, A-2, B-1, and B-3
<https://www.arlingtonma.gov/home/showpublisheddocument?id=54518>



Recommendation:

The Department of Planning and Community Development maintains that the proposal is consistent with the Zoning Bylaw and recommends that the Zoning Board of Appeals approve this application.

Related Dockets:

- #3686: 238 Park Ave – Applicant sought a special permit to create a large addition of 809 square feet to their single-family home and replace an existing garage. Approved 1/11/22.
- #3656: 53 Pine Ridge Rd – Applicant sought a special permit to create a large addition of 1,822 square feet to their single-family home, citing a desire to expand, improve, and update it as a residence for their growing family long into the future. Approved on 5/11/21.
- #3603: 34 Governor Rd – Applicants sought a special permit to create a large addition of 1,575 square feet to their single-family home, citing a desire to accommodate a growing family and love for the neighborhood. Approved on 9/27/19.