



V-23-4  
Variance Permit  
Application (ZBA)  
Status: Active  
Submitted On: 11/21/2023

Primary Location  
9 MORTON RD  
Arlington, MA 02476  
Owner  
GREGORIO ANTHONY J;  
GREGORIO KATHARINE M  
9 MORTON ROAD  
ARLINGTON, MA 02476

Applicant  
 Kate Gregorio  
 +1 315-382-0559  
 @ katemgregorio@gmail.com  
 9 Morton Rd  
Arlington, MA 02476

## Special Permit Criteria

**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.\***

Our property boundary has a unique shape which tapers toward the back, and has a number of mature trees/plantings that result in limited space available for construction. The irregular shape of our lot restricts our ability to meet the standard 6' setbacks required by the Zoning Bylaw.

**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.\***

Strict enforcement of the 6' setbacks would create substantial hardship for our plans. Adhering to these setback requirements would force us to significantly reduce the size of the accessory dwelling unit or even prevent us from constructing it altogether. This reduction in living space could negatively impact the functionality and long-term usability of the ADU.

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

Granting this variance would not be detrimental to the public good. The proposed ADU will comply with all other aspects of the Zoning Bylaw, including height, lot coverage, and design standards. Furthermore, it aligns with the town's encouragement of ADU development (Section 5.9.2 A). Our neighbors have expressed support for the project, and we have taken steps to ensure that the ADU's design is in harmony with the surrounding properties.

**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.\***

Granting this variance would not nullify or substantially derogate from the intent of the Zoning Bylaw. The primary purpose of the setback requirements is to ensure adequate spacing between structures for safety and aesthetics. The proposed ADU will maintain a reasonable distance from adjacent properties and will not compromise safety or the aesthetic character of the neighborhood. Additionally, it supports the town's policy to promote accessory dwelling units as a means to address housing needs while respecting the existing neighborhood context.

In more detail:

- We will still have 3.5'+ setbacks on all sides which is more than some other ADUs in Arlington (which have either been granted Variance Permits or Special Use Permits).
- Many of our neighbors have out-buildings within 3' of our property lines.
- This structure would still be more than 100' away from any other dwellings due to the lot sizes of the neighboring properties.
- Most neighbors wouldn't be able to see it at all due to the trees and privacy property fence already in place.

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.

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## Dimensional and Parking Information

**Present Use/Occupancy \***

Residential

**Proposed Use/Occupancy \***

Residential

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

1. Property Location: 9 Morton Rd Zoning District: R1
2. Present Use/Occupancy: SF Residential No. of dwelling units 1
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):  
2250 Sq. Ft.
4. Proposed Use/Occupancy: Residential No. of dwelling units 2 (1 SFR + 1 ADU)
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):  
2450 Sq. Ft.

	Present Conditions	Proposed Conditions	Min. or max Required by Zoning
6. Lot size (Sq. Ft.)	7744	7744	min. 6000
7. Frontage (Ft.)	80	80	min. 60
8. Floor area ratio	.29	.31	max. .35
9. Lot Coverage (%)	.145	.158	max .35
10. Lot Area per Dwelling Unit (Sq. Ft.)	7744	3872	min.
11. Front Yard Depth (Ft.)	-	-	min.
12. Left Side Yard Depth (Ft.)	-	3.5	min. 6
13. Right Side Yard Depth (Ft.)	-	3.5	min. 6
14. Rear Side Yard Depth (Ft.)	-	3.5	min. 6
15. Height (Stories)	-	1	max. 2.5
16. Height (Ft.)	-	10'	max. 35'
17. Landscaped Open Space (Sq. Ft.) Refer to Section 2 in the Zoning Bylaw.	5780	5580	
17A. Landscaped Open Space (% of GFA)	74%	72%	min.
18. Usable Open Space (Sq. Ft.) Refer to Section 2 in the Zoning Bylaw.	4875	4409	
18A. Usable Open Space (% of GFA)	63%	57%	min.
19. Number of Parking Spaces	4	4	min.
20. Parking area setbacks (if applicable)	-	-	min.
21. Number of Loading Spaces (if applicable)	-	-	min.
22. Type of construction	-	V	N/A
23. Slope of proposed roof(s) (in. per ft.)	-	2.4/12	min.

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**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: 9 Morton Rd Zoning District: R1

<u>OPEN SPACE*</u>	<u>EXISTING</u>	<u>PROPOSED</u>
Total lot area	<u>7744</u>	<u>7744</u>
Open Space, Usable	<u>4875</u>	<u>4409</u>
Open Space, Landscaped	<u>5780</u>	<u>5580</u>

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

**GROSS FLOOR AREA (GFA) †**

Accessory Building	<u>-</u>	<u>200</u>
Basement or Cellar (meeting the definition of Story, excluding mechanical use areas)	<u>1125</u>	<u>1125</u>
1 <sup>st</sup> Floor	<u>1125</u>	<u>1125</u>
2 <sup>nd</sup> Floor	<u>          </u>	<u>          </u>
3 <sup>rd</sup> Floor	<u>          </u>	<u>          </u>
4 <sup>th</sup> Floor	<u>          </u>	<u>          </u>
5 <sup>th</sup> Floor	<u>          </u>	<u>          </u>
Attic (greater than 7'-0" in height, excluding elevator machinery; or mechanical equipment)	<u>          </u>	<u>          </u>
Parking garages (except as used for accessory parking or off-street loading purposes)	<u>          </u>	<u>          </u>
All weather habitable porches and balconies	<u>          </u>	<u>          </u>
<b>Total Gross Floor Area (GFA)</b>	<u>2250</u>	<u>2450</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.)	<u>5780</u>	<u>5580</u>
Landscaped Open Space (% of GFA)	<u>74%</u>	<u>72%</u>
Usable Open Space (Sq. Ft.)	<u>4875</u>	<u>4409</u>
Usable Open Space (% of GFA)	<u>63%</u>	<u>57%</u>

This worksheet applies to plans dated n/a designed by n/a

Reviewed with Building Inspector: \_\_\_\_\_ Date: \_\_\_\_\_