



Town of Reading

16 Lowell Street, Reading, MA 01867

Zoning Board of Appeals

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readingma.gov/zoning-board-of-appeals

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Decision on the Petition of

William and Karen Karim

On the Property Located at

73 Howard Street, Reading, Massachusetts

Case No. 22-09

June 16, 2022

The Zoning Board of Appeals (the "Board") in the Select Board's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts, on Thursday, June 16, 2022 at 7:00PM to hear the petition of **William and Karen Karim** (The "Petitioner"). The hearing also allowed participation through remote and online measures. The Petitioner sought a Special Permit under Sections 7.3 and 7.3.2 of the Zoning By-laws to raise the height of a structure with an existing non-conforming side-yard setback on the dwelling on the property located at **73 Howard Street** in Reading, Massachusetts (the "Property").

The Property is located in the **S-15** residential district of Reading. The existing lot is considered legal non-conforming, due to the fact that it does not meet the current area (15,000 square feet) and frontage (100 linear feet) requirements for the S-15 zoning district it is in. The existing lot maintains 9,600 square feet of area and 80 linear feet of frontage along Howard Street. The S-15 Zoning District requires setbacks of 15' from the sides and 20' from the front and rear. The existing dwelling (circa 1894) is deemed a legal, non-conforming structure due to a less than required minimum side-yard setback to the western property line. The Petitioner was present at the meeting, and are the current homeowners. It was stated that the Petitioner is seeking a Special Permit to remove the roof of the existing two-story structure and raise the wall height of such; it will remain as a two-story structure. The existing dwelling with proposed addition is depicted on a Certified Plot Plan ("the Plot Plan") prepared and certified by John D. Sullivan III, Professional Surveyor No. 41586, PO Box 2004, Woburn, MA 01888, dated May 5, 2022. Architectural layouts and elevations for the proposed addition, consisting of sheets 1 through 9, dated February 28, 2022, and prepared by Twomey Design, 23 California Road, Reading, MA 01867, were also submitted with the Petitioner's application.

The existing structure to be replaced maintains pre-existing non-conforming side-yard setbacks of 9.6' and 14.5' to the western lot line. The proposed structure is to maintain the same 9.6' and 14.5' side-yard setbacks to the western lot line. A 4.7' side-yard setback exists to the south of the dwelling but is not being altered. The existing one-story structure to be replaced measures 14' in height and the existing two-story structure to be replaced measures 22'. The proposed addition will increase the height of the structure by approximately 3'3" and will maintain conformance with the 35' height maximum as it will measure 25'3" in height. There is no addition to lot coverage calculations; no extension in length of the pre-existing non-conformity; and no new non-conformity created.

Section 7.3.2 of the Reading Zoning By-laws states, in relevant part, "For those alterations not eligible for a building permit pursuant to Section 7.3, the Zoning Board of Appeals may grant a Special Permit to

reconstruct, extend, alter, or structurally change a nonconforming building or structure upon a finding that such reconstruction, extension, alteration or structural change shall not be substantially more detrimental to the neighborhood than the existing nonconforming building or structure". Following discussion with the Petitioner and comment among Board members, the meeting was opened to public comment and, with no input from the public forthcoming, subsequently closed. It was noted that a series of eight (8) letters of support were submitted from abutters for the application.

A motion was made and seconded by Board Members that the proposed addition would not be substantially more detrimental to the neighborhood than the existing dwelling and would meet the requirements for Special Permit under Section 7.3.2 of the Reading By-laws for a proposed height increase to the second-story structure of the existing dwelling. The Board voted in the affirmative (5-0-0) to grant a Special Permit in order to construct the second-story addition as described for the dwelling at **73 Howard Street** and as shown on the previously noted Certified Plot Plan and Architectural plans submitted, with the following conditions attached.

1. The Petitioner shall submit to the Building Inspector a Certified Plot Plan of the proposed construction and proposed foundation plans for the work prior to the issuance of a foundation permit for the work.
2. The Petitioner's final construction plans for the proposed addition shall be submitted to the Building Inspector, along with as-built foundation plans, prior to the issuance of a Building Permit for the work.
3. As-built plans of the completed construction shall be submitted to the Building Inspector immediately after the work is completed and prior to the issuance of an Occupancy Permit.

Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to M.G.L. c. 40A, § 17, within twenty (20) days after the date of filing this Decision with the Town Clerk. Notice of appeal with a copy of the complaint must also be filed with the Town clerk within twenty (20) days as provided in § 17.

The Special Permit shall not take effect until a copy of this Decision, bearing certification of the Town Clerk that twenty (20) days have elapsed after the Decision was filed in the Office of the Town clerk and no appeal has been filed, or if an appeal has been filed within such time, that it has been dismissed or denied, is recorded in the Middlesex South District Registry of Deeds and indexed in the Grantor's Index under the name of the owner of record, or is recorded and noted on the Owner's Certificate of Title. The fee for recording or registering shall be paid by the Owner or Petitioner. Any person exercising rights under a duly appealed Special Permit does so at the risk that a court may reverse the permit and that any construction performed under the permit may be ordered to be undone.

ON BEHALF OF THE READING ZONING BOARD OF APPEALS



Andrew MacNichol, Staff Planner

Board members sitting and voting on Case No. 22-09

Hillary Mateev, Cynde Hartman, Cy Caouette, Andrew Grasberger, Patrick Houghton