



**TOWN OF HAMILTON  
ZONING BOARD OF APPEALS**

**REQUEST FOR FINDINGS OF FACT  
EXTENSION OR ALTERATION OF A NON-CONFORMING USE**

Date Submitted: March 7, 2024

Applicant Name: Mark & Michaela Schmalz

Non-Conforming Property Located at: 263 Linden Street

Note the Existing Non-Conformity (check all that apply):

- ☒ Lot Size
- ☒ Front Yard Setback
- ☒ Side Yard Setback
- ☐ Rear Yard Setback
- ☐ Lot Coverage
- ☐ Property/Building Use
- ☐ Other: \_\_\_\_\_

Will the proposed extension or alteration meet current zoning requirements:

- ☐ Yes
- ☒ No: State non-compliance of extension/alteration

*A portion of the alterations include an extension of the existing structure along the right side, which currently encroaches into the required side-yard setback.*

Will the proposed extension or alteration further encroach on the existing non-conformity

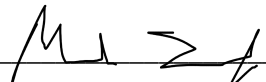
- ☐ Yes: State further encroachment
- ☒ No

Applicant shall state that the extension or alteration reflects the nature and purpose of the previous use (or) that the extension or alteration is no different in kind in its effect on the neighborhood as compared with the previous use, for the following reasons:

*The extension/ alteration is to add a 4th bedroom to an existing 3 bedroom single-family home in a residential neighborhood. There will be no change of use.*

Applicant shall state that the extension or alteration will not be substantially more detrimental to the neighborhood than the existing non-conforming use or structure for the following reasons:

- *The extension shall not encroach further into the existing non conforming side yard setback*
- *The building height increase is less than 1 foot, where an increase of up to 15 feet is allowed*
- *The addition is in keeping w/ the Cape-style character of the existing home*
- *The neighborhood is a mix of 1, 1.5, and 2 story homes of diverse architectural styles*

Signed: 

Address: 263 Linden Street  
S. Hamilton, MA 01982

Email: mark.schmalz@gmail.com

Phone: (414) 628-6152

APPLICATION CHECK SHEET  
HAMILTON ZONING BOARD OF APPEALS

EXTENSION OR ALTERATION OF NON-CONFORMING USE

8 copies of all Materials. Refer to Instruction Sheet.

Section of the Zoning By-Law covering desired Board action(s)

Section 5.3.4.5

**Existing Non-Conformity – Check all that apply**

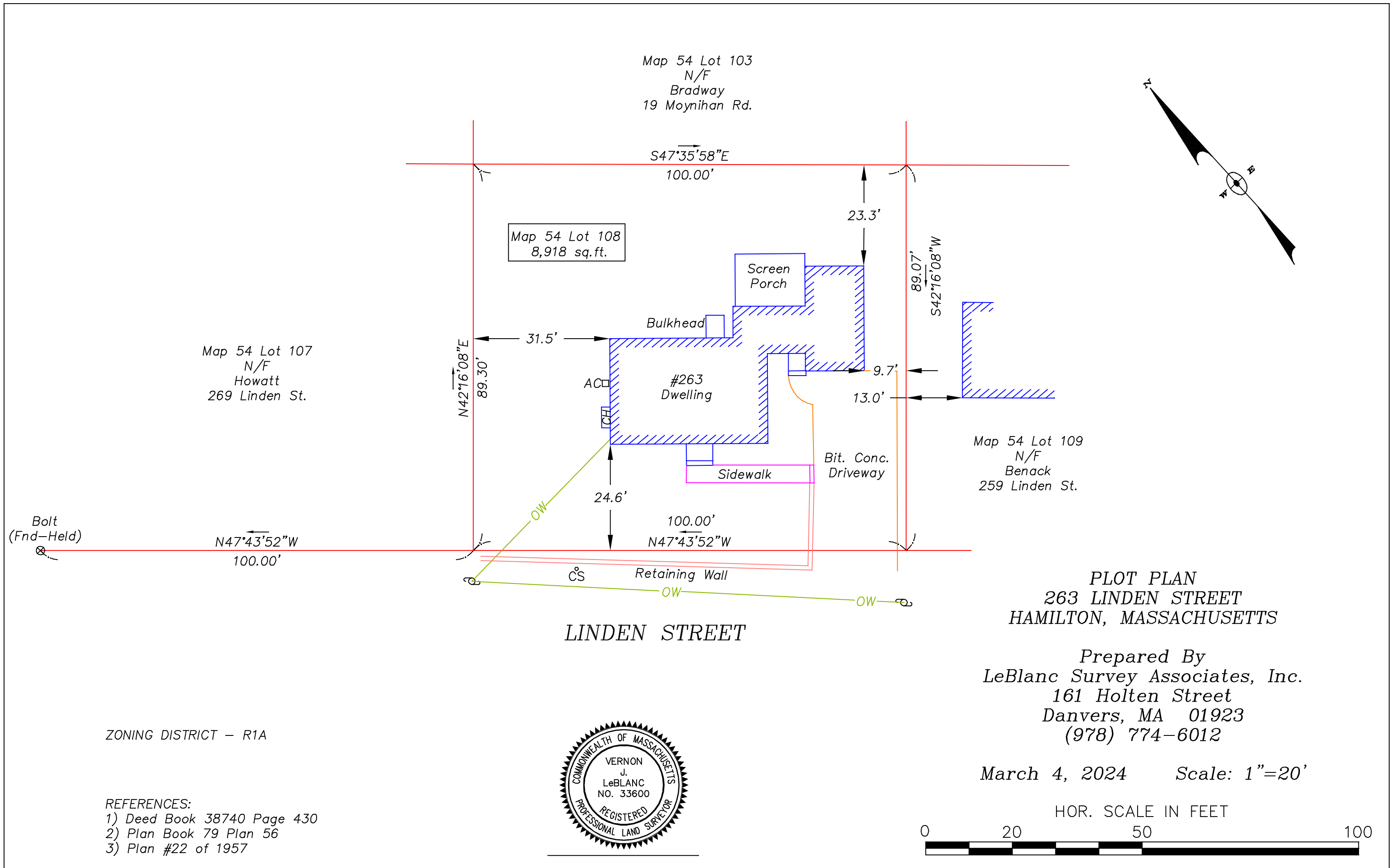
- ☒ Lot size
- ☐ Lot coverage
- ☒ Side yard setback
- ☒ Front yard setback
- ☐ Rear yard setback
- ☒ Frontage
- ☐ Other. Specify. \_\_\_\_\_

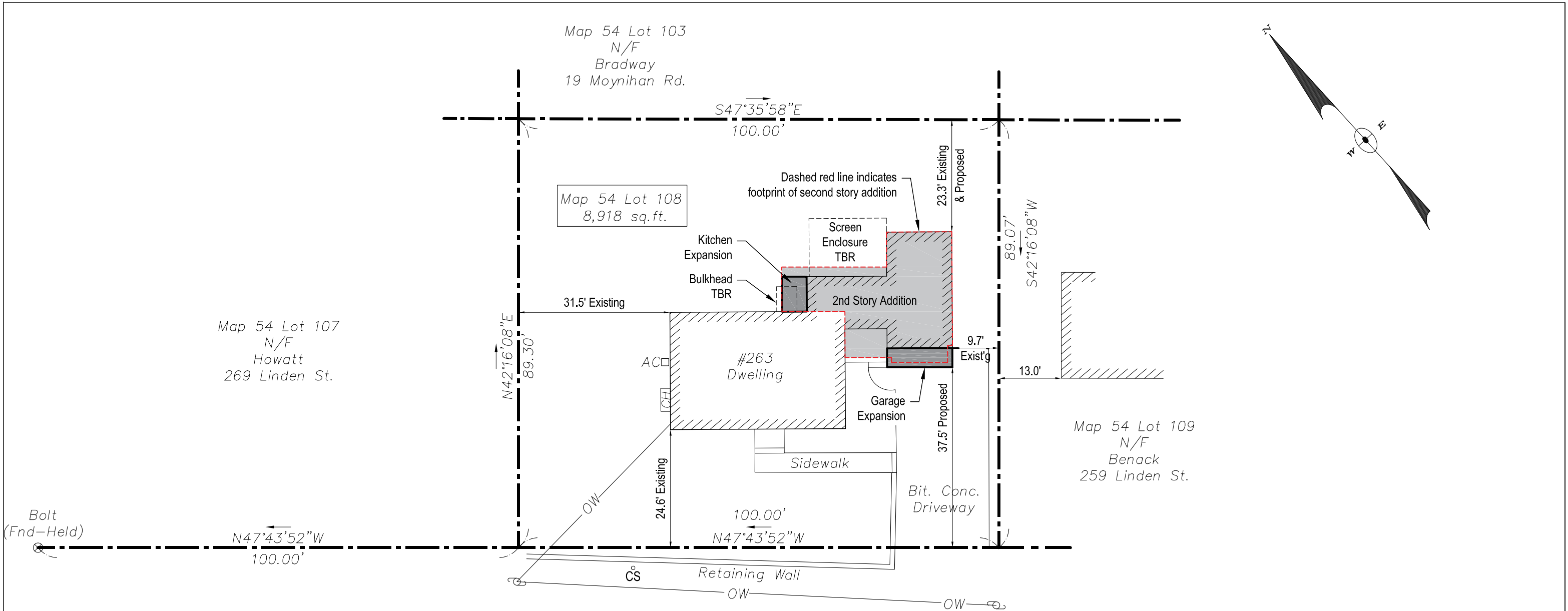
**Extension/Alteration of a single or 2-family residential structure is allowed as a matter of right if the extension or alteration meets either of the following:**

- ☐ Existing structure is on a conforming lot but is non-conforming because it encroaches on a setback. The proposed alteration or extension will not change the setbacks that fail to conform. The entire structure meets all other requirements of the by-law.
- ☐ Existing structure is non-conforming solely because it is located on a lot which is non-conforming as to size and/or frontage as a result of a zoning change. Existing structure and alteration/extension meet all other current requirements of the zoning by-law (setbacks, height, lot coverage, etc).

**Visual Materials Required - Scaled drawings showing at a minimum the following**

1. Site Plan: Include at a minimum:
  - ☒ Plan showing total parcel of land
  - ☒ Title block with Date
  - ☒ Scale
  - ☒ North Arrow
  - ☒ All property lot lines with dimensions
  - ☒ Area of parcel of land
  - ☒ All building locations with dimensions of structures and dimensions to lot lines
  - ☒ Location and use of all adjacent structures with dimensions to lot lines if applicant is seeking relief to construct within 20 feet of another building or if applicant is seeking to meet the average front yard setback requirements in lieu of the 25 foot setback.
  - ☐ Zoning District including Watershed Protection areas and Historic District areas. If property falls within more than one district, plan shall show all district lines.
  - ☐ Location of wetlands protected areas.
2. Exterior Elevations of the Building
3. Scaled floor plan of both new and existing structure





Bolt  
(End-Held)

ZONING DISTRICT — R1A

- REFERENCES:
- 1) Deed Book 38740 Page 430
  - 2) Plan Book 79 Plan 56
  - 3) Plan #22 of 1957

**Zoning Notes:**

Zone: R-1A Map 54 Lot 108  
Lot Area: 8,918sf

**Dimensional Regulations:**

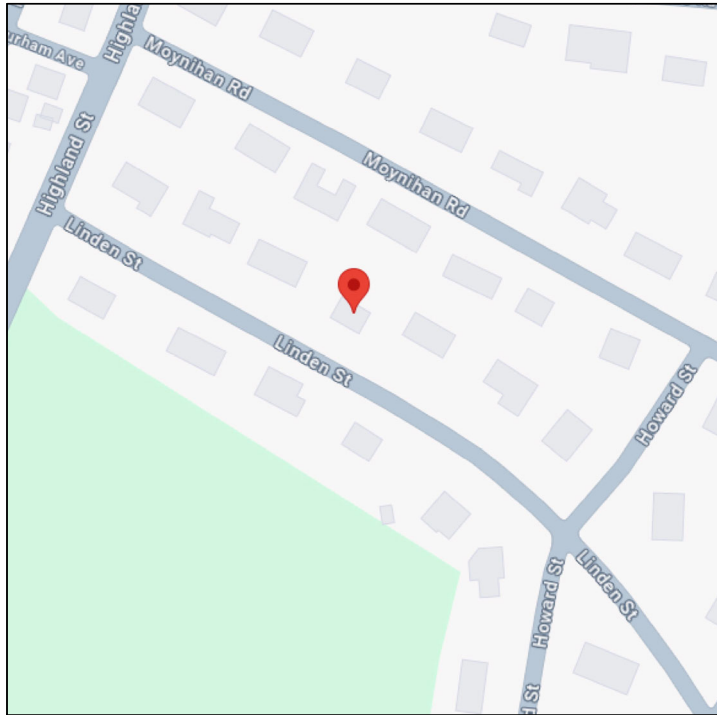
	Required	Existing	Proposed
Frontage:	125ft	100ft	No change
Lot Area	20,000sf	8,918sf	No change
Front Yard	25ft	± 24.6ft	37.5' at addition
Side Yard L	15ft	± 31.5ft	No change
Side Yard R	15ft	± 9.7ft	9.7ft
Rear Yard	15ft	± 23.3ft	23.3ft
Bldg. Cov.	Max. 25%	± 15.4%	17.5%

**1 Proposed Site Plan**  
Scale: 1" = 20'

- 1. Proposed additions indicated by Savoie Nolan Architects
- 2. Site Plan Based on "Plot Plan" 263 Linden Street, Hamilton prepared by LeBlanc Survey Associates, Inc. dated: March 4, 2024







LOCUS MAP



1 South East View along Linden Street



2 North West View along Linden Street



3 View of Existing Schmalz Residence

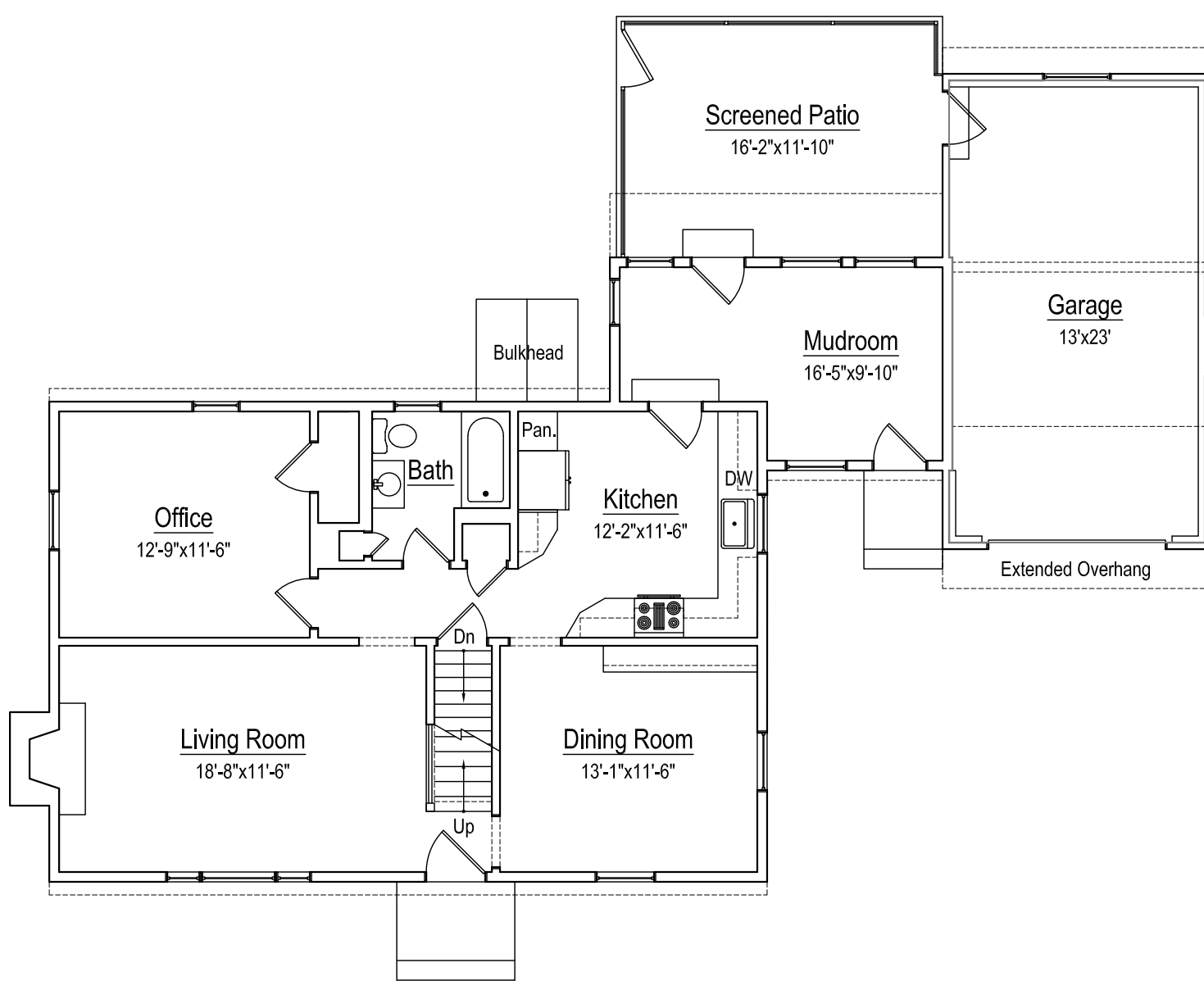
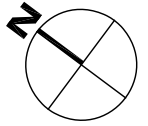


4 North West View along Linden Street

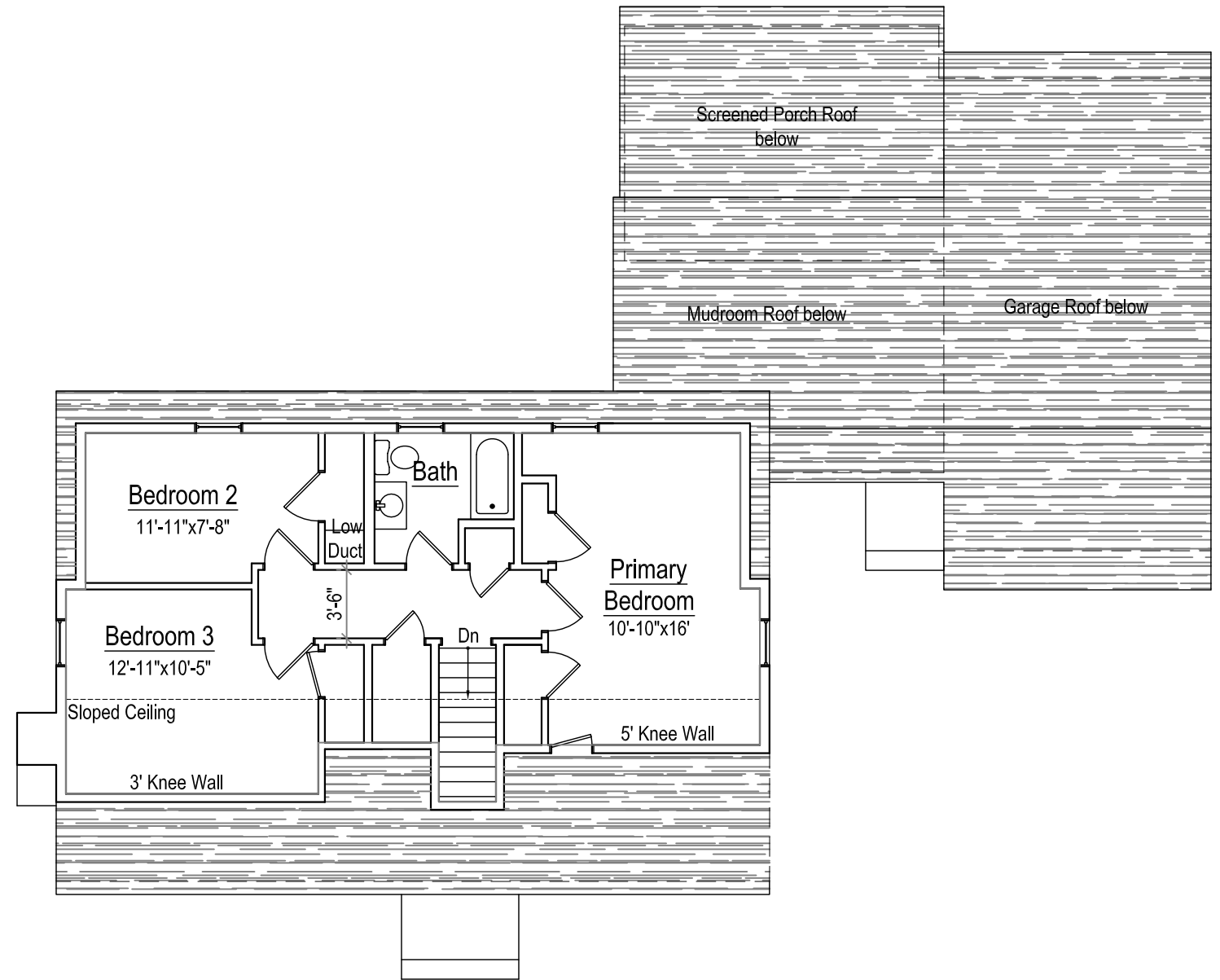


5 Southern View along Howard Street







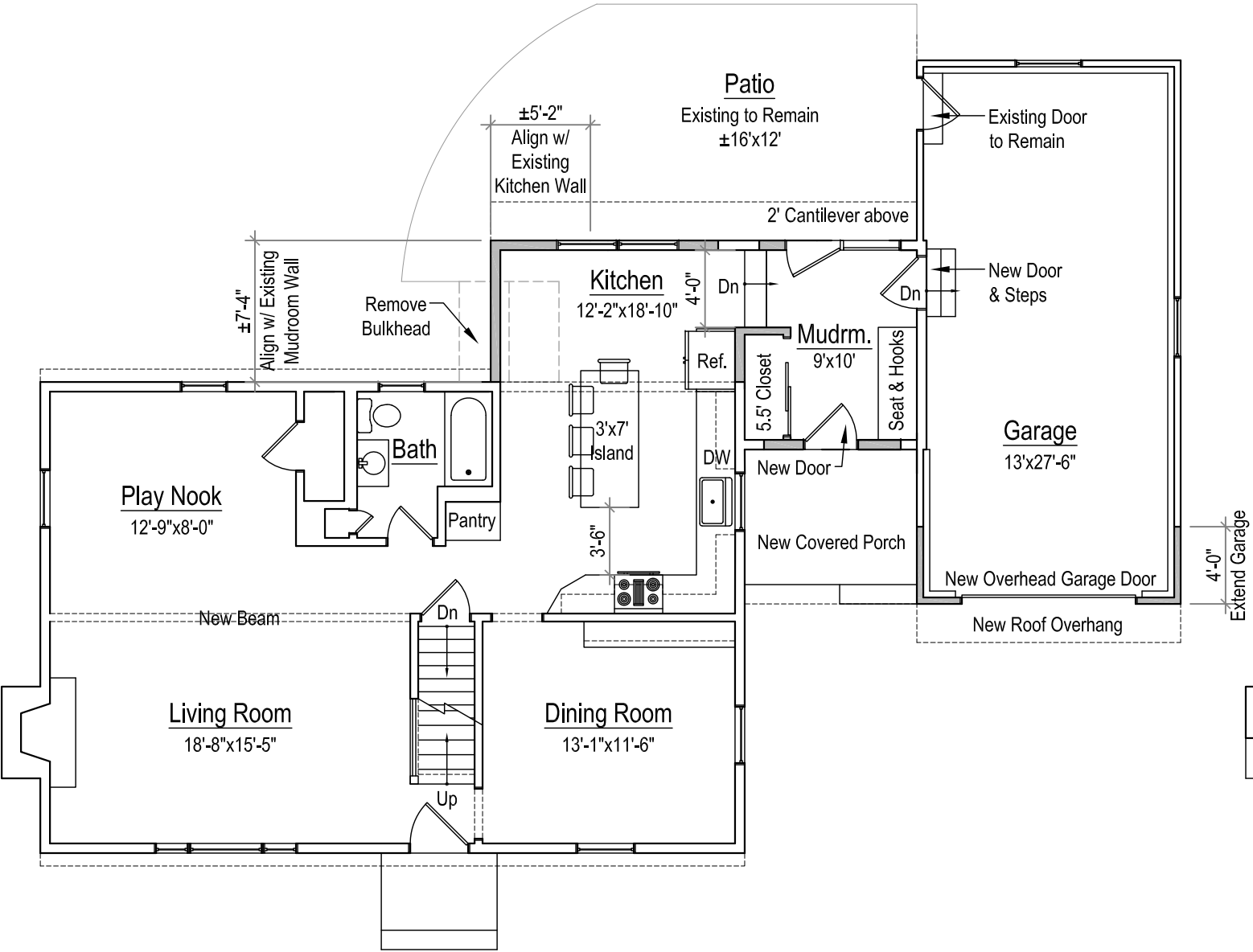
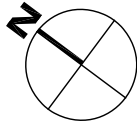
1 Existing First Floor Plan  
Scale: 1/8" = 1'-0"



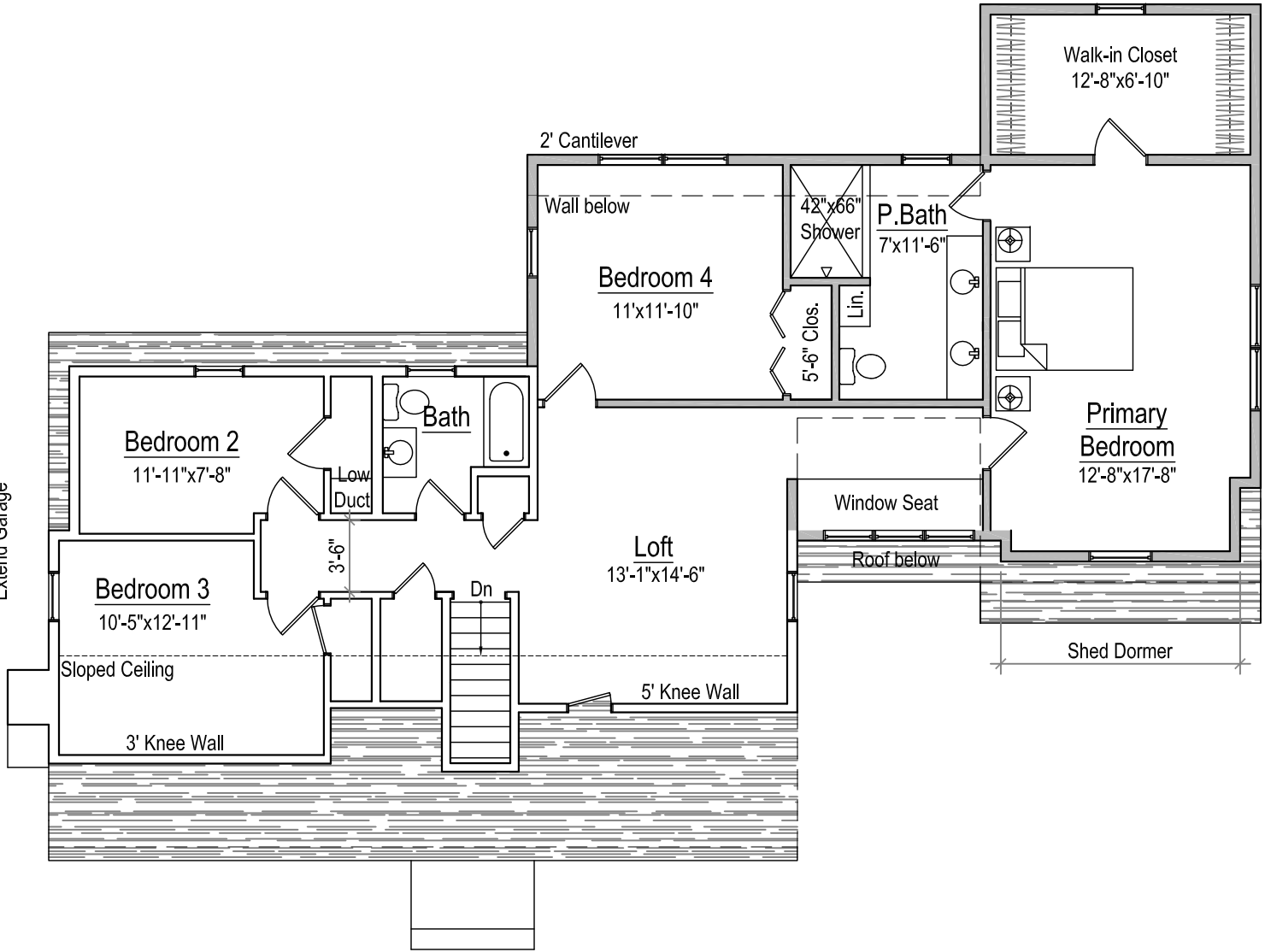
2 Existing Second Floor Plan  
Scale: 1/8" = 1'-0"

Gross Floor Area Chart		
	Existing	Proposed
First Floor	1,046sf	+39sf
Second Floor	604sf	+678sf
TOTAL Area (Living Space)	1,650sf	+717sf
Garage	330sf	+55sf

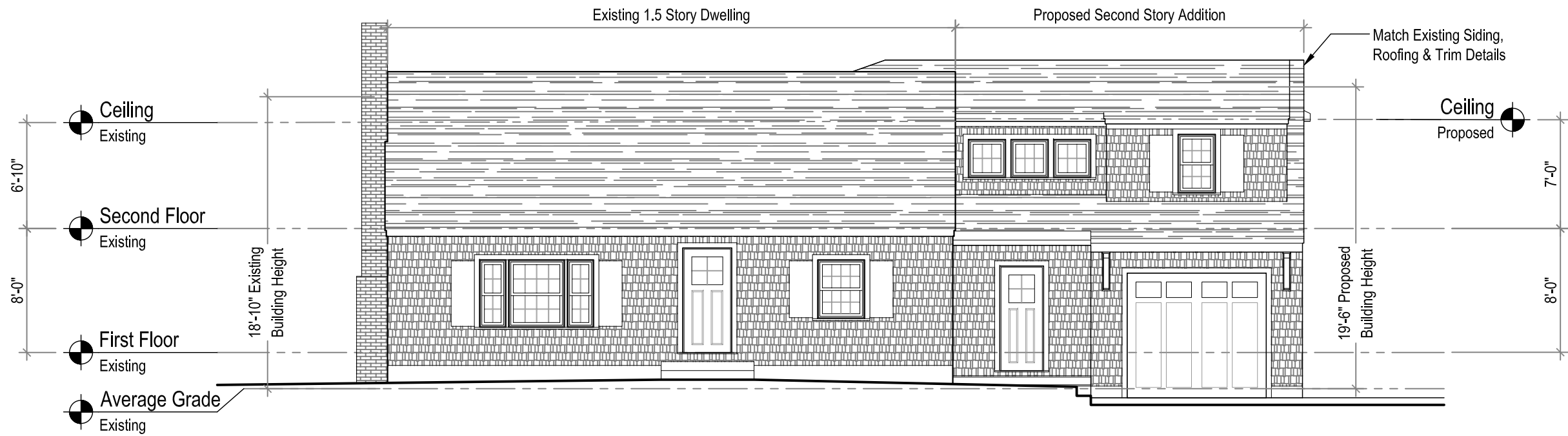
Floor Plan Legend	
	New Wall
	Existing Wall



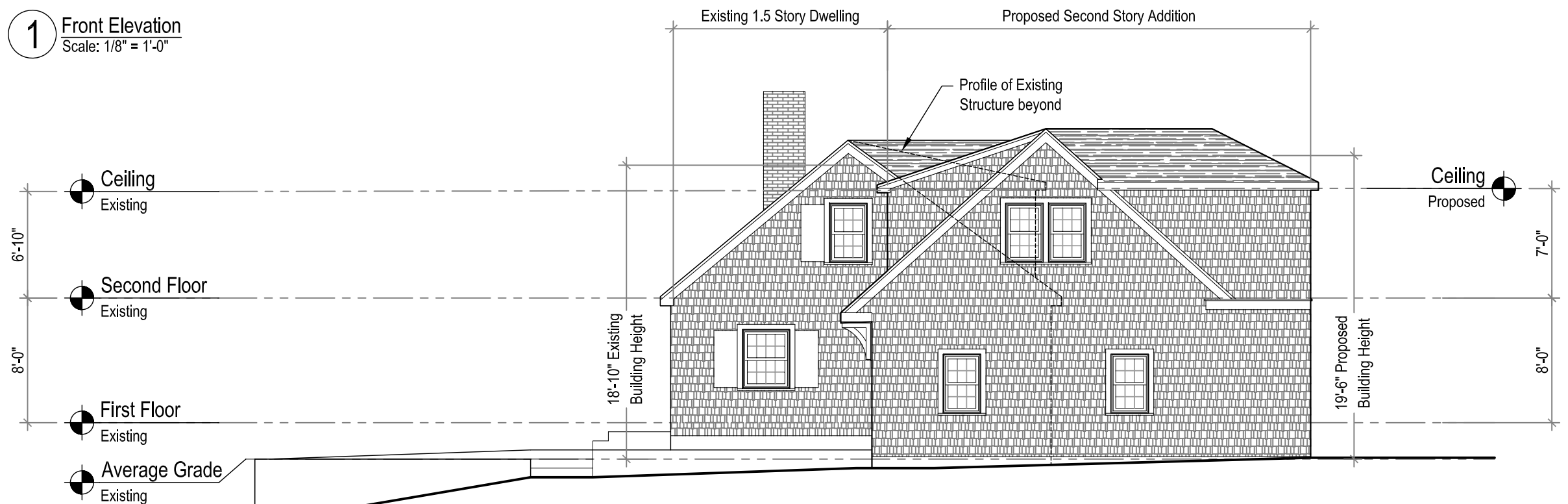
1 Proposed First Floor Plan  
Scale: 1/8" = 1'-0"



2 Proposed Second Floor Plan  
Scale: 1/8" = 1'-0"

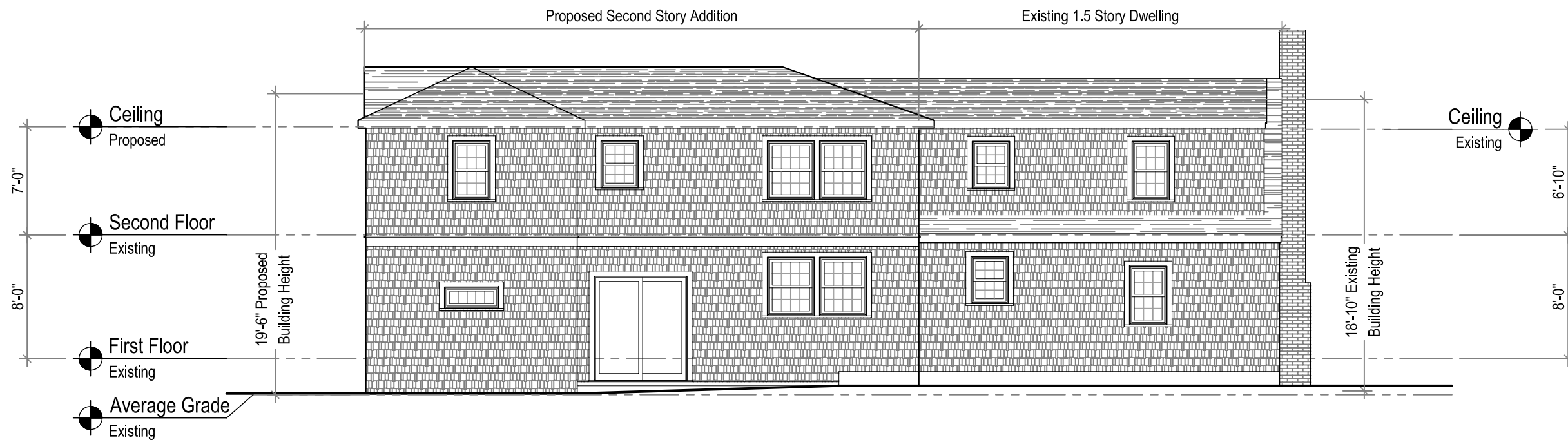


**1** Front Elevation  
Scale: 1/8" = 1'-0"

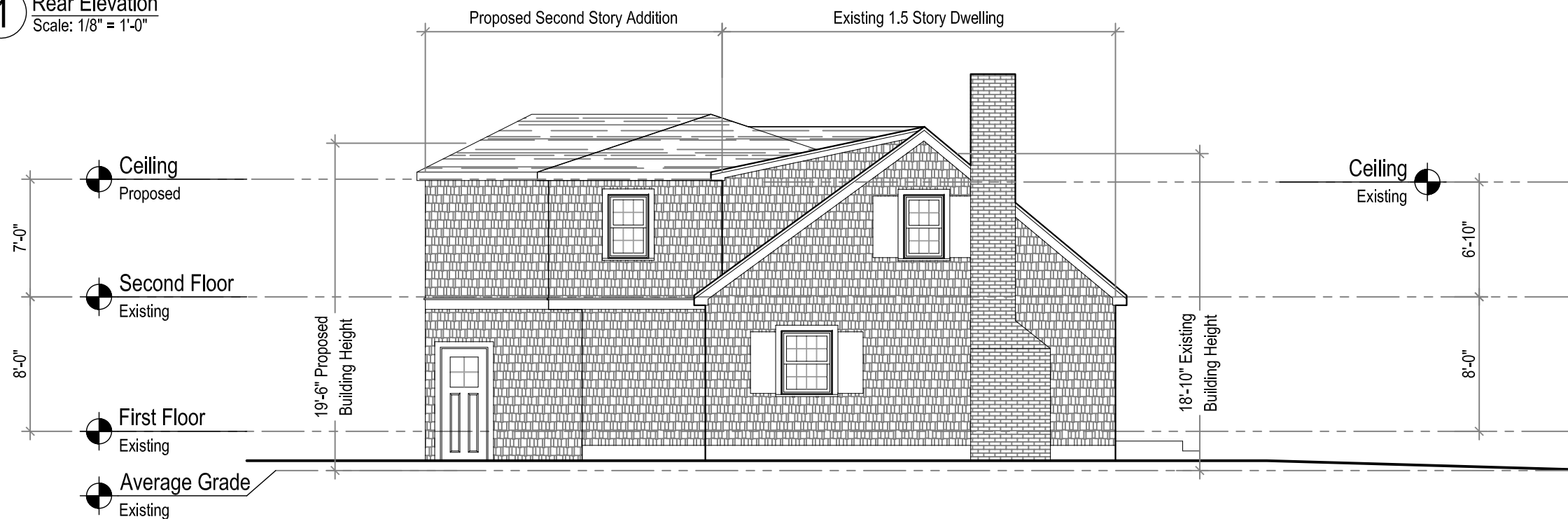


**2** Right Side Elevation  
Scale: 1/8" = 1'-0"

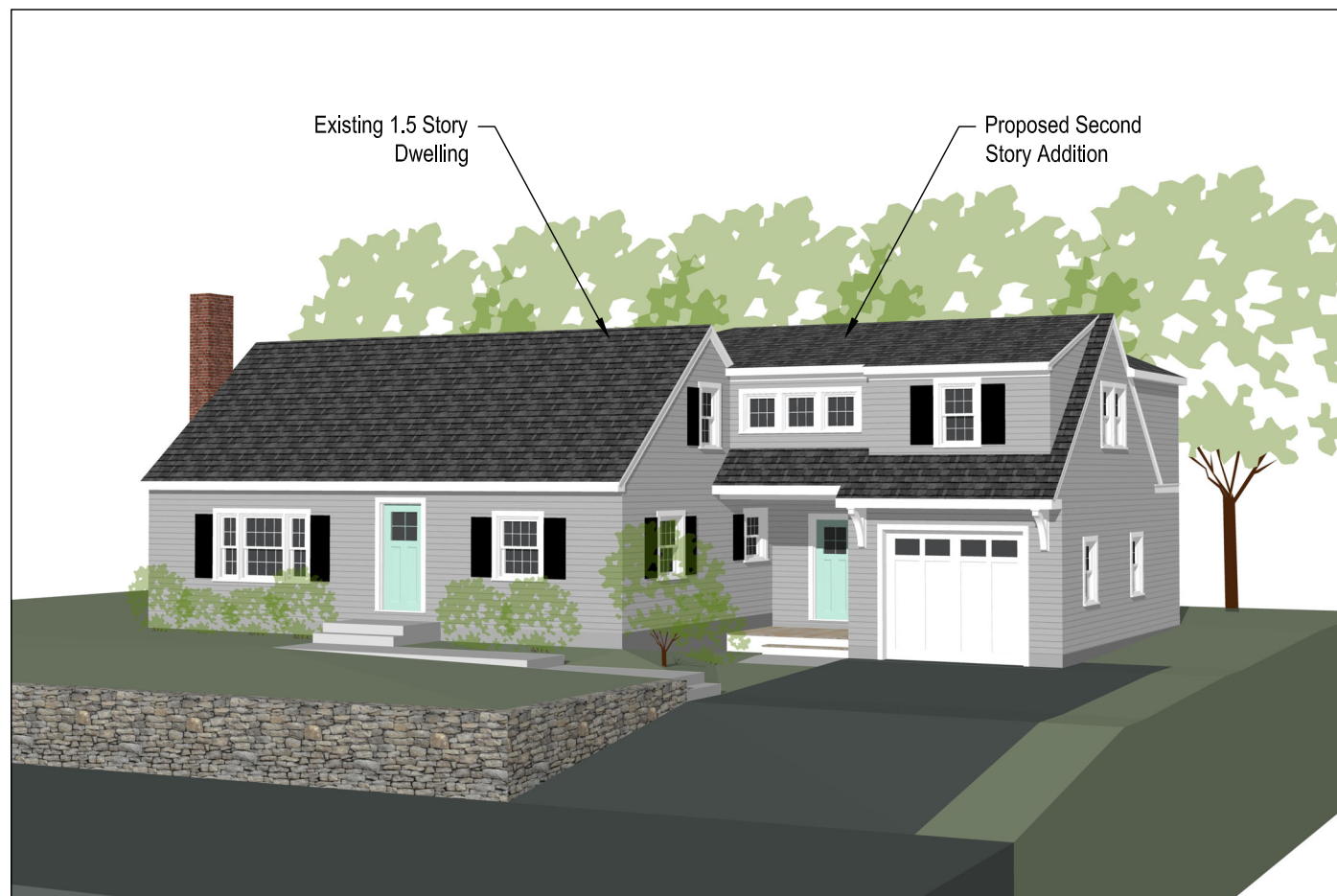




**1** Rear Elevation  
Scale: 1/8" = 1'-0"



**2** Left Side Elevation  
Scale: 1/8" = 1'-0"



1 Front Perspective View



2 Rear Perspective View