

RECEIVED
TOWN CLERK
BELMONT, MA

CASE NO. 18-20

2018 JUN -4 AM 10:36

NOTICE OF PUBLIC HEARING BY THE
BELMONT ZONING BOARD OF APPEALS

ON APPLICATION FOR A SPECIAL PERMIT

Notice is hereby given that the Belmont Zoning Board of Appeals will hold a public hearing on Monday, June 18, 2018 at 7:00 PM in the Art Gallery, 3rd floor, Homer Municipal Building, 19 Moore St., to consider the application of Nabih El-Lakkis, d/b/a El-Lakkis Corporation for a Special Permit under Section 3.3 of the Zoning By-Law To Change The Ownership of the existing Auto Mechanic Shop to the applicant at 358 Pleasant Street located in a Local Business III (LBIII) Zoning District.

ZONING BOARD OF APPEALS

Baghdady Law Offices

Attorneys At Law

Sami S. Baghdady, Esquire
Sami@BaghdadyLaw.com
Telephone: (781) 646-7050
Facsimile: (781) 646-7149

May 15, 2018

Nicholas Iannuzzi, Chair
Zoning Board of Appeals
Town of Belmont
Homer Municipal Building
19 Moore Street
Belmont, MA 02478

Re: Special Permit Application of El-Lakkis Corp.

Dear Chair Iannuzzi:

Attached is the Application of El-Lakkis Corp. to change ownership with respect to the Special Permit dated March 3, 1993 for the property located at 358 Pleasant Street, Belmont.

Also included are an Addendum which describes the Applicant's intended use, a copy of the previously approved parking plan, pictures of the Property, and a redacted copy of the Applicant's lease (first page, signature page, and exhibits).

Thank you.

Very truly yours,



Sami S. Baghdady

SSB/esh
Enclosures

RECEIVED
TOWN CLERK
BELMONT, MA

2018 JUN -4 AM 10:36



Town of Belmont
Zoning Board of Appeals

APPLICATION FOR A SPECIAL PERMIT

Date: May 9, 2018

Zoning Board of Appeals
Homer Municipal Building
19 Moore Street
Belmont, MA 02478

To Whom It May Concern:

Pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 9, as amended, and the Zoning By-Laws of the Town of Belmont, I/we the undersigned, being the owner(s) of a certain parcel of land (with the buildings thereon) situated on 358 Pleasant Street Street/Road, hereby apply to your Board for a **SPECIAL PERMIT** for the erection or alteration on said premises or the use thereof under the applicable Section of the Zoning By-Law of said Town for _____

Change of Ownership

on the ground that the same will be in harmony with the general purpose and intent of said Zoning By-Law.

EL-LAKKIS CORP.

Signature of Petitioner

BY: *Nabih El-Lakkis*

Print Name

Nabih El-Lakkis, President

Address

c/o Sami S. Baghdady, Esquire

382 Massachusetts Avenue
Arlington, MA 02474

Daytime Telephone Number

(781) 646-7050

ADDENDUM TO SPECIAL PERMIT APPLICATION TO CHANGE OWNERSHIP

PROPERTY: 358 Pleasant Street, Belmont, MA 02478

PETITIONER: El-Lakkis Corp.

1. El-Lakkis Corp., the Petitioner, has owned and operated the Pleasant Street Shell gasoline station and automotive repair station located at 337 Pleasant Street in Belmont for over 30 years. Its principal, Billy El-Lakkis, is a long time Belmont resident. He and his son David El-Lakkis run Pleasant Street Shell, and their automotive repair business is growing.

2. The property located at 358 Pleasant Street in Belmont (the "Property") is diagonally across the street from Pleasant Street Shell. El-Lakkis Corp. is leasing the Property in order to accommodate the growing automotive repair business at Pleasant Street Shell.

3. The Property was formerly used for the business known as the "Benz Den". The Benz Den was a general automotive repair business that operated on the Property pursuant to a Special Permit from the Board of Appeals which is dated March 13, 1993 (the "Special Permit").

4. The Special Permit was issued subject to the following condition:

"(6) The right granted by this special permit to operate a general automotive repair business may be exercised only by David Clark or, so long as Mr. Clark is the controlling shareholder, of the Benz Den and is personally the on-premises operator of said business."

However, the Benz Den business has closed.

5. The Petitioner is requesting Board of Appeals to amend Condition (6) of the Special Permit to reflect a change of ownership of the Special Permit to El-Lakkis Corp.

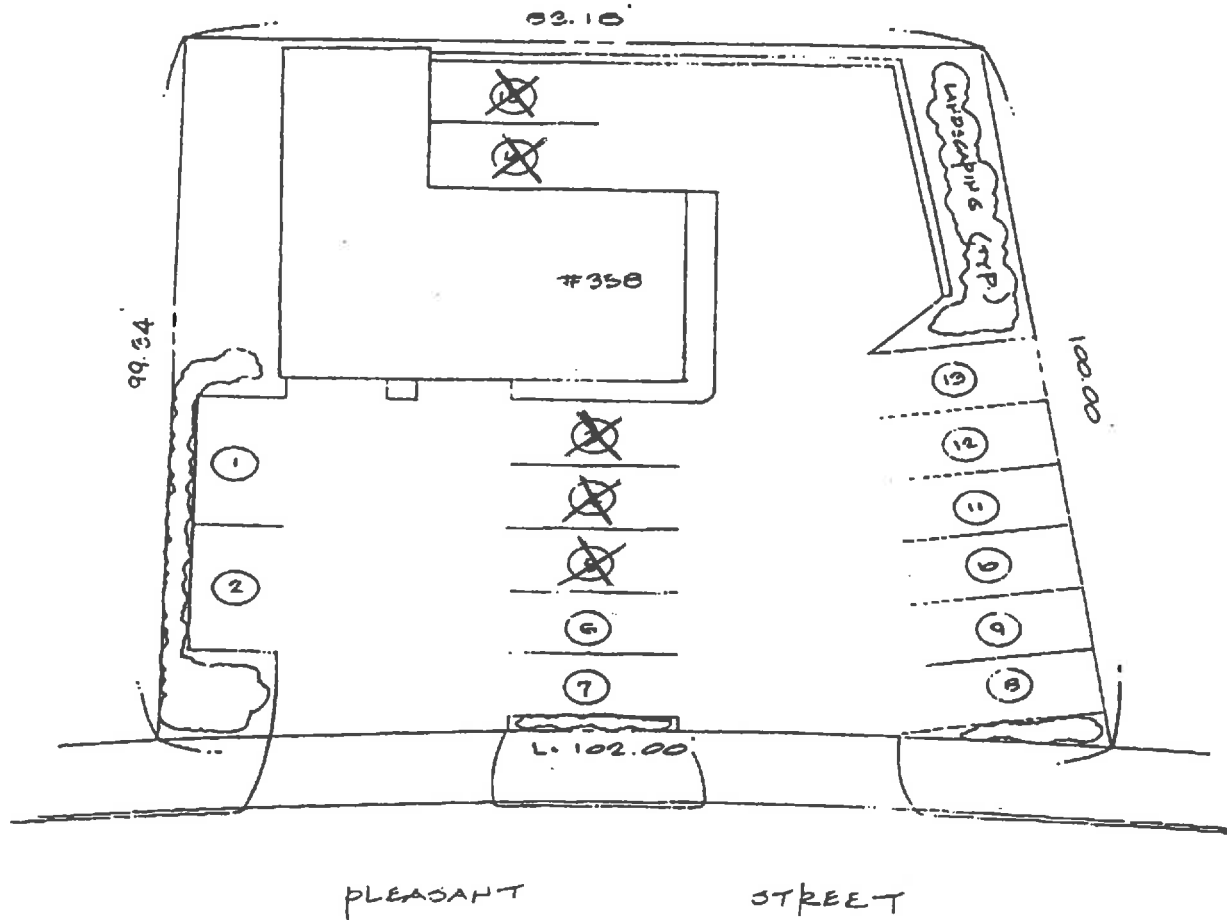
6. In support of such request, the Petitioner states as follows:

(a) The Property will be used to accomodate over-flow automotive repairs from the Pleasant Street Shell across the street. The building will not be open to the public. As a result, the Applicant's use will not be more intensive than the historical use of the Property.

(b) A copy of the previously approved parking plan is attached, and the parking spaces which had been eliminated by the Board have an "X" on them. The Applicant will comply with the previously approved parking plan.

- (c) There will be no new construction or expansion of the existing building.
- (d) With the exception of Condition (6), no other amendments to the conditions of the Special Permit are being requested. The Applicant will comply with all other conditions of the Special Permit.
- (e) The Property is currently vacant and as a result is becoming run-down. The Applicant will arrange for proper landscaping, will clean the litter, and make a productive use of the Property.
- (f) Billy El-Lakkis has been in business in Belmont for over 30 years, and has an excellent reputation and a proven track record as a good business owner. He and his son David will extend the goodwill they have earned over the years to manage a good, neighborhood sensitive operation on the Property.
- (g) Pictures of the Property are attached.

PARKING SPACE = 9' x 19'



PROPOSED PARKING PLAN FOR

#350 PLEASANT ST.
SCALE: 1" = 20'

PELMONT, MA.
DEC. 14, 1992

PREPARED BY

LAHATA & ASSOC., INC.
ENGINEERS & LAND SURVEYORS
110 WILLY ST.
WOBURN, MA.



358

SALE & LEASE
DEN
K. M. Murphy & Co.
KPM11-5400



COMMERCIAL LEASE

1. PARTIES

W.J.C. Realty Trust, with a mailing address of Post Office Box 1084 Watertown, Massachusetts 02471, "LESSOR", which expression shall include heirs, successors, and assigns where the context so admits, does hereby lease to:

Nabih El-Lakkis, individually, and El-Lakkis Corp., both having an address of 337 Pleasant Street, Belmont, MA 02478, "LESSEE", which expression shall include their/ its successors, executors, administrators, and assigns where the context so admits, and the LESSEE hereby leases the within described premises.

All LESSEES shall be jointly and severally liable for the performance of the terms of this lease.

2. PREMISES

The land, containing approximately 8,985 square feet of land, with the two-story building, containing approximately 2,500 square feet thereon, together with all appurtenances thereto, located at 358 Pleasant Street, Belmont, Massachusetts, as designated on Exhibit "A" attached hereto.

Unless otherwise prescribed by the Town of Belmont, on-site parking (other than within the building) shall be limited to ten (10) customer vehicles at any one time. Except for vehicles being repaired, overnight and weekend parking outside shall be prohibited. Parking shall be limited to space nos. 1, 2, 5-7, and 8-13, as shown on Exhibit "B". Parking shall be prohibited in space nos. 3, 4, 5, 14 and 15 and no parking of automobiles or regular storage of materials, including trash shall be permitted in the rear setback area of the premises as shown on said Exhibit "B".

3. TERM

The term of this lease shall be for a Five (5) years term commencing on May 11, 2018 and terminating on May 10, 2023, unless earlier terminated as provided herein.

LESSEE shall be required to file its request for a special permit with the Belmont Planning Board within ten (10) days of the execution of this lease.

If despite diligent efforts on the part of the LESSEE, the application for special permit is not granted by the Belmont Planning Board, then the LESSEE shall have the right to terminate this lease without recourse to either party.

4. RENT

5. SECURITY DEPOSIT and LAST MONTH RENT

IN WITNESS WHEREOF, the said parties hereunto set their hands and seal this 11 day of ~~April~~ May 2018.

LESSOR:

W.J.C. III Realty Trust


By: William J. Casey, III, Trustee

LESSEE:


Nabih ~~El-Laki~~

El-Lakkis

El-Lakkis Corp


By: Nabih ~~El-Laki~~, President and Treasurer

El-Lakkis

EXHIBIT "A"

LANATA & ASSOCIATES INC.
ENGINEERS AND LAND SURVEYORS
SUITE 201
110 WINN ST.
WOBURN, MA 01801
617 833 3883

JOB COMM. CLASS BELMONT, MA.
SHEET NO 1 OF 1
CALCULATED BY PDL DATE 6-21-91
CHECKED BY EJP DATE 6-21-91
SCALE 1" = 20'

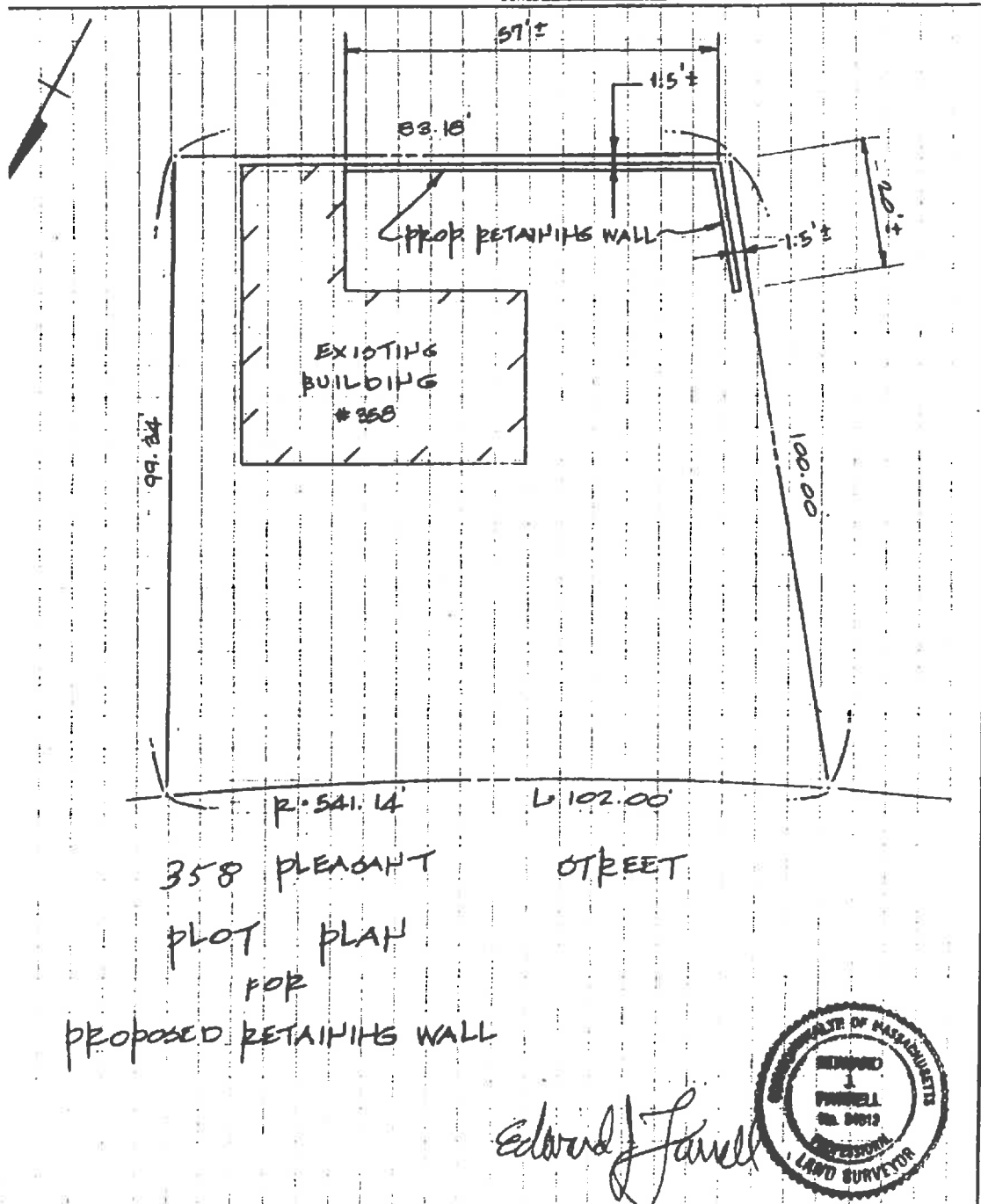


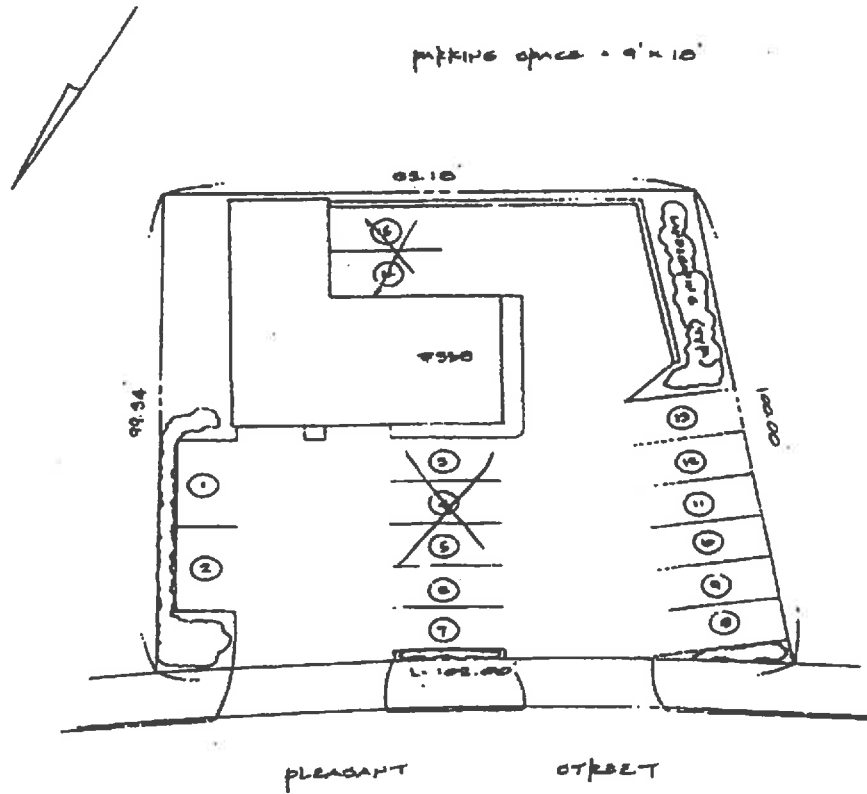
EXHIBIT "B"

Dec. 18 '92 10:23

0000

TEL 617-933-7344

P. 2



PROPOSED PARKING PLAN FOR

W 350 PLEASANT ST. BELMONT, MA.
SCALE: 1" = 20' DEC. 14, 1992

PREPARED BY
LANATA & ASSOC., INC.
ENGINEERS & LAND SURVEYORS
110 WILLY ST. WOBURN, MA.