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TOWN OF BELMONT ZONING BOARD OF APPEALS

2021 AUG 18 PM 2:47

Case No. 21-17

Applicant: Dan and Jane Slavin

Property: 80 Old Middlesex Road

Date of Public Hearing: July 19, 2021

Members Sitting: Nick Iannuzzi, Chairman
Casey Williams
Andrew Kelley
Teresa MacNutt
Elliot Daniels, Associate Member
William Fick, Associate Member

Members Voting: Nick Iannuzzi, Chairman
Casey Williams
Andrew Kelley
Teresa MacNutt
William Fick, Associate Member

Introduction

This matter came before the Board of Appeals (the “Board”) of the Town of Belmont (the “Town”) Acting as Variance and Special Permit Granting Authority under the Zoning By-Law of the Town Belmont, Massachusetts (the “By-Law”) and Chapter 40A of the Massachusetts General Law (the “Zoning Act”). The applicants Dan and Jane Slavin (the “Applicants”), seek One (1) Special Permit under Section 1.5 of the Belmont Zoning-By- Laws to construct a second story addition on the south side of the dwelling at 80 Old Middlesex Road located in a Single Residence C zoning district. §4.2 of the Zoning By-Law Dimensional Regulations allow a maximum lot coverage of 25%, the existing and proposed lot coverage is 28.8%.

The Board held a duly noticed hearing on the application on July 19, 2021.

Proposal

The Applicants propose to construct a second story addition over an existing one story office at the south side of the dwelling to add a bathroom and a closet for the second floor master bedroom.

The proposed addition will have a flat roof to clear the window sill on the third floor, above the proposed addition.

The applicant submitted to the Board’s review plans prepared by Rojas Design dated march 19, 2021, a plot plan and a zoning checklist dated January 26, 2021 and two letters from abutters in support of the proposed addition.

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Decision

MGL 40A §6 provides in pertinent part: “Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority or by the Special Permit granting authority designated by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.”

In the present case, the Board did not find the proposed addition would be substantially more detrimental. The Board found that the proposed Addition does not increase the nonconforming nature of the structure or create a new nonconformity. The proposed addition will be consistent in style with the existing house. The Board concluded that the proposed are not substantially more detrimental than the existing non-conforming structure to the neighborhood and that the proposed is in keeping with the character of the neighborhood in which it is located.

Accordingly, upon motion duly made by Nick Iannuzzi and seconded by Andrew Kelley, the Board voted 5-0 to grant the requested One (1) Special Permit for the proposed addition as requested.

For the Board,

Date: August 19, 2021
18 A.Y.



Ara Yogurtian
Assistant Director
Office of Community Development

Any appeal from this decision must be made pursuant to Ch.40A, S.17, MGL, and must be filed within 20 days after the filing of such notice in the office of the Town Clerk.