

**ZONING BOARD OF APPEALS
MEETING MINUTES
September 10, 2012**

RECEIVED
TOWN CLERK
BELMONT, MA.
DEC 5 2 19 PM '12

Attendance: William Chin (Chair), Eric Smith, Craig White (Associate), Christopher Henry (Associate), and David Iaia (Associate) and Jay Szklut, Staff

Absent: Nicholas Iannuzzi, James Ryan-Fagan, and Jim Zarkadas,

7:07 p.m. Meeting called to order

Chairman William Chin welcomed everyone to the September 10 meeting of the Zoning Board of Appeals. He proceeded to give a brief outline of the process. He stated that whenever possible, the Board tries to deliberate and present a decision the same evening that the case is heard.

NEW PUBLIC HEARINGS

CASE NO. 12-17, 146 DALTON ROAD: Special Permit to Extend a Non-Conforming Side Setback and to Increase Lot Coverage.

Mr. Perry Neubauer, architect, presented for the applicant, David Schuster. The applicant would like to build a 3 ½ foot extension to the front of his garage. He had been before the Board several months ago and received a special permit to add a second story over the garage. He has now discovered that to build that addition, he needs to tear down the garage and rebuild the foundation. Because he needs to rebuild the foundation he would like to increase the space of his second story addition by extending the garage forward. The garage currently encroaches on the setback line and the 3 ½ feet extension increases the lot coverage to 26% exceeding the allowed lot coverage by 1 percent.

Mr. Smith asked about the new roof line of the addition.

Mr. Neubauer responded that it would not exceed the top of the existing roof. He added that the decks and the stairs didn't change at all.

Chairman Chin asked if anyone was in support or opposed or had any questions. No one spoke.

Mr. Neubauer submitted letters of support from neighbors.

The public hearing was closed and the matter taken under advisement.

DELIBERATIONS AND VOTES

146 DALTON ROAD, CASE NO. 12-17 – During deliberations, the Board identified a discrepancy over the existing side setback from the plot plan submitted with the original May application. Additionally, the Board spent time reviewing the extent to which the lot coverage restriction

RECEIVED
TOWN CLERK
BELMONT, MA.

DEC 5 2 18 PM '12

would be violated.

The Board discussed whether any relief granted would be based on the plans submitted with the current application. Additionally, the Board discussed whether subsequent to the Gale v Gloucester case, the violation of the lot coverage regulation no longer required a variance but a special permit.

The Board also discussed whether the application did not adversely affect the neighborhood.

MOTION – Mr. Chin moves to grant relief to allow an extension of the 8.5 foot side setback to allow expanding the garage and second story forward as shown in the plans presented; to also grant relief to allow lot coverage increase to 25.5%.subject to the condition that the ridge line of the addition be 16 inches lower than that of the main house. Seconded by Craig White. Motion passed unanimously

APPROVAL OF MINUTES

Minutes of May 7 were approved, as amended.

The Board deferred approval of the June and July meeting minutes until the next meeting.

Meeting Adjourned: 8:25 p.m.

12/3/2012 Approved as amended.