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ZONING BOARD OF APPEALS

2017 MAR -7 PH 3:25

Case No. 17-04

Applicant: Laurence Hopkins
and owners Meghan Hopkins

2017 00061687

Bk: 69200 Pg: 527 Doc: DECIS
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Property: 48 Cedar Road

Date of Public Hearing: March 6, 2017

Members Sitting: Eric Smith, Chair
Nicholas A. Iannuzzi, Jr.
Faustino Lichauco
Phil Ruggiero, Associate Member
Andrew Plunkett, Associate MemberMembers Voting: Eric Smith, Chair
Nicholas A. Iannuzzi, Jr.
Faustino Lichauco
Phil Ruggiero, Associate Member
Andrew Plunkett, Associate Member

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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 of Belmont, Massachusetts (the "By-Law") and Chapter 40A of the Massachusetts General Law (the "Zoning Act"). The applicants, Laurence Hopkins and Meghan Hopkins (the "Applicants"), seek one (1) Special Permit under Section 1.5 of the Belmont Zoning-By-Law to construct a third-floor addition, allowed number of stories is 2.5, existing and proposed are 3.5 stories at 48 Cedar Road (the "Property") located in a Single Residence C (SRC) Zoning District.

Proposal

The Applicants propose to construct a third-floor addition to the Property. The lowest level of the Property is a basement (the foundation walls are 58.61% exposed) and is considered a story. The proposed addition will be within the existing footprint of the house. It will include a master closet and a bathroom for the family and is in the rear of the property. The proposal is set forth on plans, including elevations submitted with the application, a plot plan dated February 3, 2017 and a Zoning Compliance Checklist (revised) dated February 3, 2017.

The Applicant, Meghan Hopkins prior to her presentation, provided the Board with: 1) A copy of a certified plot plan dated February 3, 2017, 2) A copy of the Zoning Compliance Checklist (revised) dated February 3, 2017, 3) Elevation spreadsheets, 4) Photographs of the Property and 5) A Neighborhood Petition in support of the project. The Applicant, Meghan Hopkins with her architect answered questions addressed by the Board. The project was presented at the duly noticed public hearing of the Board on March 6, 2017.

Meghan Hopkins
48 Cedar Road
Belmont MA 02478

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Two (2) neighbors spoke in support of the project and no one spoke in opposition.

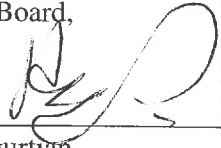
Decision

The By-Law provides that the Board may issue a Special Permit to reconstruct, extend, alter, or change a nonconforming structure "only if it determines that such reconstruction, extension, alternation, or change does not increase the nonconforming nature of said structure or create a new nonconformity and shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood and that it shall be in keeping with the character of the neighborhood in which it is located." By-Law § 1.5.3.

The Board deliberated on March 6, 2017. 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. In the circumstances, the Board concluded that the proposed addition is not substantially more detrimental than the existing non-conforming structure to the neighborhood and that the proposed addition is in keeping with the character of the neighborhood in which it is located.

Accordingly, upon motion duly made and seconded, the Board voted 5-0 to grant the requested one (1) Special Permit for the proposed addition as requested and shown on the plans submitted to the Board.

For the Board,


Ara Yogurtian
Assistant Director
Office of Community Development

Date: March 7, 2017

CERTIFICATION

I, Ellen O'Brien Cushman, hereby certify that twenty (20) days have elapsed after the decision was filed in the office of the Belmont Town Clerk on March 7, 2017, and further I certify that no appeal has been filed with regard to the granting of said one (1) Special Permit with zero (0) conditions.

April 26, 2017



Ellen O'Brien Cushman, Town Clerk
Belmont, MA

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.