



**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

TOWN CLERK
BELMONT, MA

2017 MAY 15 PM 2:36

Case No. 17-06

Applicant: Michael Flaherty
Ruth Burns

Property: 200 Concord Ave

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 Member

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



2017 01761823

Bk: 01505 Pg: 113 Cert#: 264543

Doc: DECIS 06/05/2017 02:29 PM

REC ORDER
Michael Flaherty
Ruth Burns

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, Michael Flaherty and Ruth Burns (the "Applicants"), seek one (1) Special Permit under Section 1.5 of the Belmont Zoning-By-Law to construct a one-story addition, minimum allowed side setback is 10.0', existing and proposed are 5.44' at 200 Concord Avenue (the "Property") located in a Single Residence C (SRC) Zoning District.

Proposal

The Applicants propose to re-construct an existing one story attached garage that has significant structural issues. The existing structure extends into the side yard setback. The required setback is 10.0' and the existing garage is only set back 5.44' at this corner. The reconstructed garage will be in the same location with the same dimensions. The proposal is set forth on plans dated 01/09/2017 and a plot plan dated 06/27/2017.

The Applicants, Michael Flaherty and Ruth Burns prior to their presentation, provided the Board with: 1.) a copy of a certified plot plan dated 06/27/2017 2.) photographs of the Property, and 3.) a Neighborhood Petition in support of the project. The Applicants, Michael Flaherty and Ruth Burns provided answers to questions from the Board and presented the proposal at the duly noticed public hearing of the Board on March 6, 2017. The Applicant described the proposal. No one spoke in opposition.

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Case No. 17-06
Property: 200 Concord Ave.

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,

Date: May 15, 2017



Ara Yogurtian
Assistant Director
Office of Community Development

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 May 15, 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.

June 5, 2017



Ellen O'Brien Cushman, Town Clerk
Belmont, MA

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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.



**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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TOWN CLERK
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Faustino Lichauco
Phil Ruggiero, Associate Member
Andrew Plunkett, Associate Member

REC OWNERS
Michael Francis
Flaherty
+
Ruth Burns
Burns



2017 00084034

Bk: 69387 Pg: 261 Doc: DECIS
Page: 1 of 2 06/05/2017 02:48 PM

Introduction

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Case No. 17-06

Property: 200 Concord Ave.

Decision

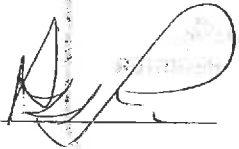
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Belmont, MA

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