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17-26

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**MODIFICATION OF DECISION TO CORRECT
SCRIVENER'S ERROR**

2018 JAN -8 AM 11:02

Michael and Sandra Reinold

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**



2018 00003113

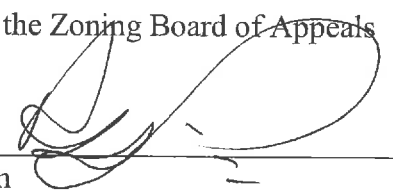
Bk: 70484 Pg: 147 Doc: DECIS
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Case No.: ZBA 17-26
Property Address: 23 Oliver Road
Date of Public Hearing: November 6, 2017

In the decision, a scrivener's error was made – the Street name was inadvertently transcribed.

- On the first page of the decision, the Street address is transcribed as 23 Oliver Street. The correct address is 23 Oliver Road.


On Behalf of the Zoning Board of Appeals


Ara Yogurtian
Assistant Director
Office of Community Development

Date: January 8, 2018

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 December 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. This scrivener's error, correcting the extension of the street name, was filed with the Town Clerk on January 8, 2018

January 8, 2018


Ellen O'Brien Cushman, Town Clerk
Belmont, MA

Bk. 53373
p. 439

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2017 DEC 15 PM 12:00

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

Case No. 17-26

Applicant: Michael and Sandra Reinold

Property: 23 Oliver Street

Date of Public Hearing: November 6, 2017

Members Sitting: Nicholas A. Iannuzzi, Jr., Chair
Faustino Lichauco
Jim Zarkadas
Andrew Plunkett
Philip Ruggiero

Members Voting: Nicholas A. Iannuzzi, Jr., Chair
Faustino Lichauco
Jim Zarkadas
Andrew Plunkett
Philip Ruggiero

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 and Sandra Reinold ("Applicant"), seeks one (1) Special Permit under Section 1.5 of the Belmont Zoning-By- to construct a Second Story addition above a non-conforming section of the house. The existing and proposed side setbacks are 9.0'. Section 4.2 of the Zoning Bylaws requires a minimum side setback of 10.0'.

Proposal

The Applicants propose to construct a second story addition above a non-conforming section of the house. The existing and proposed side setback is 9.0'. A minimum side setback of 10.0' is required. The proposal is set forth on plans, including elevations dated 8/3/17, a plot plan dated 8/13/17 and a Zoning Compliance Checklist dated 8/8/17. The Applicants presented the proposal at the duly noticed public hearing of the Board on 11/6/17. The Applicants described the proposal. The Applicant provided a petition of the neighbors in support of the application. 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.


Case No. 17-26
Property: 23 Oliver Road

The Board deliberated on 11/6/17. 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 special permit for the proposed addition as requested and shown on the plans submitted to the Board.**

For the Board,


Date: December 14, 2017



Ara Yogurtian
Assistant Director
Office of Community Development

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 December 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. A scrivener's error, correcting the extension of the street name, was filed with the Town Clerk on January 8, 2018

January 8, 2018



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.