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TOWN OF BELMONT ZONING BOARD OF APPEALS

2018 MAR 27 PM 1:40

Case No. 18-03

Applicant: Janice Christo
 owner: Janice Christo, TR, Janice Christo Trust of 1996
 Property: 60 Prentiss lane

LOT 12

Date of Public Hearing: February 5, 2018
 Continued: March 5, 2018

Members Sitting: Nicholas A. Iannuzzi, Jr. Chair
 Jim Zarkadas
 Craig White
 Andrew Plunkett
 Phil Ruggerio, Associate Member

Members Voting: Nicholas A. Iannuzzi, Jr. Chair
 Jim Zarkadas
 Craig White
 Andrew Plunkett
 Phil Ruggerio, 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 applicant Janice Christo (the "Applicant"), seek two (2) Special Permits under Section 1.5 of the Belmont Zoning-By- Laws to construct a dormer and a deck at 60 Prentiss Lane (the "Property") in a Single Residence A (SRA) Zoning District.

Proposal

The Applicant proposes to construct a dormer in the attic to enlarge the space to be used for a room and to construct a deck. The need for Special Permits is triggered by the fact that 1.- 80.2% of the basement foundation wall is exposed and 19.8% is below the average grade (60% required) and therefore counts as a story, resulting in a designation as an existing 3 ½ story structure. The land slopes down toward the rear so there is more foundation exposed on the back than on the front of the Property. 2.- The existing side setback of the principal structure is at 10.6' and the proposed side setback for the deck is 11.0' (15.0' required). The proposed dormer and the deck is intentionally designed to meet all of the other zoning criteria including half story and all setbacks and linear height requirements and both alterations are not visible from the street. The proposal is set forth on plans, including elevations dated May 30, 2017, a plot plan dated January 2, 2018 and a Zoning Compliance Checklist dated December 6, 2017.

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The Applicant requested a continuance on a duly noticed public hearing of the Board on February 5, 2018 and presented the proposal at the following month's Duly noticed public hearing of the Board on March 5, 2018.

The Applicant presented one letter of support and a satellite image of the neighborhood marked with 23 neighbors in support and one in opposition of the project. A letter was given by Gayle Valiant of 50 Tyler Road in opposition of the proposal to Mr. Ara Yogurtian Assistant Director of Community Development dated February 5, 2018.

Decision

Pursuant to the "Gale vs. Gloucester" decision, the relief needed by the Applicant is by Special Permits.


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.

A special permit to allow a dormer addition and a deck to the Property was considered by the Board. The Board found that the proposed alterations do not substantially increase the non-conforming nature of the structure nor create a new nonconformity. The Board concluded that the proposed alterations are not substantially more detrimental to the neighborhood than the existing non-conforming structure, and that the proposed alterations are 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 two (2) special permits for the proposed dormer and the deck as requested and shown on the plans submitted to the Board.

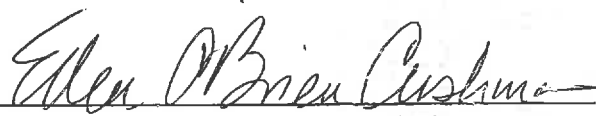
For the Board,

Date: March 27, 2018


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 March 27, 2018, and further I certify that no appeal has been filed with regard to the granting of said two (2) Special Permits with zero (0) conditions.

April 17, 2018


Ellen O'Brien Cushman, Town Clerk
Belmont, MA