



Town of Belmont

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2018 JAN 24 AM 11:48

APPLICATION FOR A SPECIAL PERMIT

Date: 1/3/18

Zoning Board of Appeals
Homer Municipal Building
19 Moore Street
Belmont, MA 02478

To Whom It May Concern:

Pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 9, as amended, and the Zoning By-Laws of the Town of Belmont, I/we the undersigned, being the owner(s) of a certain parcel of land (with the buildings thereon) situated on 36-38 Upland Rd Street/Road, hereby apply to your Board for a **SPECIAL PERMIT** for the erection or alteration on said premises or the use thereof under the applicable Section of the Zoning By-Law of said Town for

Front yard parking and 2 tool sheds.

on the ground that the same will be in harmony with the general purpose and intent of said Zoning By-Law.

Signature of Petitioner [Signature]

Print Name BRIAN LAWLE

Address 38 Upland Rd

Belmont MA 02478

Daytime Telephone Number 1-307-~~880~~ 880-9000



OFFICE OF COMMUNITY DEVELOPMENT
TOWN OF BELMONT
19 Moore Street
Homer Municipal Building
Belmont, Massachusetts 02478-0900

Telephone: (617) 993-2650 Fax: (617) 993-2651

Building Division
(617) 993-2664
Engineering Division
(617) 993-2665
Planning Division
(617) 993-2666

January 2, 2018

Mr. Brian Dawe
36-38 Upland Road
Belmont, MA 02478

RE: 36-38 Upland Road – Denial of Driveway Expansion In Front Yard and to Construct Two (2) Tool Sheds

Dear Mr. Dawe:

The Office of Community Development is in receipt of your application and plot plan to expand your driveway and to construct 2 tool sheds at 36-38 Upland Road located in a General Residence (GR) Zoning District.

Your application has been denied because it does not comply with the current Zoning By-Law requirements. More specifically,

1. Section 5.1.3 b) 2) requires a Special Permit for the installation of parking spaces within the required front yard. Therefore you need a Special Permit in order to expand your driveway.
2. Maximum allowed lot coverage in a GR zoning district is 30%. Your existing lot coverage is 36.1% and the proposed is 40.3%.

You may alter your plans to conform to the Zoning By-Laws and resubmit for approval or you may request Two (2) Special Permits from the Zoning Board of Appeals. If you choose this option, please contact the Office of Community Development (617-993-2650) to make an appointment with Ara Yogurtian, Assistant Director to begin this process.

Sincerely,

Glenn R. Clancy, P.E.
Director of Community Development

Ara Yogurtian
Asst. Director Community Development
Town of Belmont

January 3, 2018

I am in receipt of the Town's denial of my request to expand our driveway at 36-38 Upland Rd and the denial of our request to place two plastic 8' x 10' tool sheds in our back yard.

Please except this as my formal appeal of this decision. I have attached pictures of the property including an over view of the improvements we are attempting to make to the exterior of the property.

As you will see there are only two parking spaces for this two-family home. The lot is the smallest on Upland Rd with no way to expand and accommodate the need for four spaces absent the Town's approval of a special permit.

In addition, we have been denied our request to place two 8' x 10' plastic tool sheds in our back yard. I am attaching a survey we had conducted by Medford Engineering in the hopes that you may reconsider our request and issue a special permit to address these matters.

My family has lived in Belmont in our home on Upland Rd for over 60 years. I just recently purchased it from my siblings, moved back home and am looking to update the property, increase its curb appeal and add to the neighborhood's aesthetics.

Sincerely,

Brian F. Dawe

Brian F. Dawe
36-38 Upland Rd.
Belmont, MA 02478
307-880-9000
BDawe82086@aol.com

A handwritten signature in dark ink, appearing to read "Brian F. Dawe", is written over the typed name and address. The signature is fluid and cursive, with the first name "Brian" being more prominent.



36-38 Upland Rd has two separate flats occupied by two families needing two parking spaces per apartment (four total). As you can see there is no way to expand the two existing spots along the sides of house, the lot is too small.



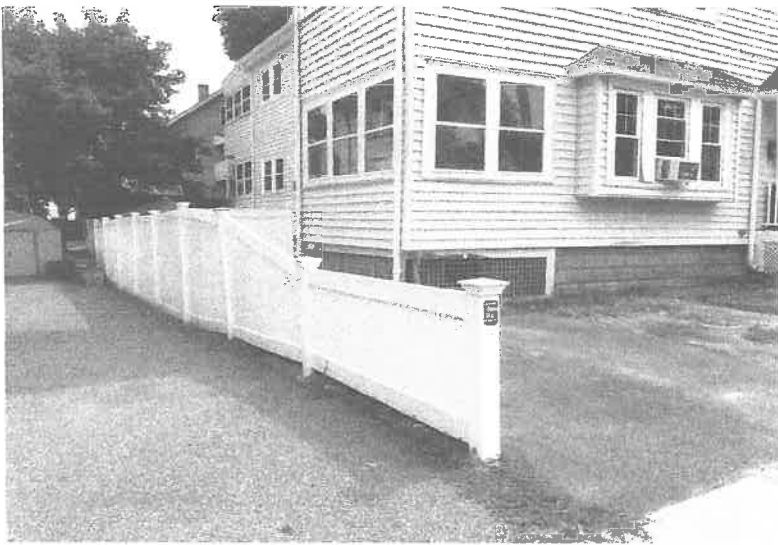
Our neighbors at 32-34 Upland Rd have a full driveway along the east side of the home and a parking spot on the west side. The front was paved over to add additional spaces none-the-less. The town then added the sidewalk pavers.



A tree had to be removed several years ago in front of our home 36-38 Upland. The roots had caused the sidewalk to rise and buckle as you can still see in the picture. The tree was removed but the sidewalk was not repaired.



We will be adding vertical spacers delineating and separating the parking areas from the walkways and the homes front porch.



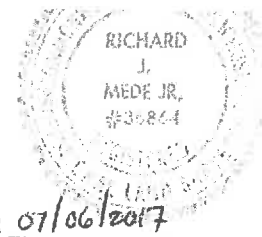
We will be adding planters to the front of the building and will be painting the property in 2018. It is our intent to upgrade the entire appearance of the home and grounds. The first step is to clean up the front of the property by adding two parking spots and updating the driveways and property facia.



Although not perfect, the front of 32-34 Upland Rd looks much better even though it is paved. If we had an alternative way to meet the parking needs of a two family home we would. However there is no other way to meet that need as there is no way to expand existing parking at 36-38 Upland Rd. Thank you for your consideration.

Zoning Compliance Check List

Properties Located within the GR Zoning Districts
(To be Completed by a Registered Land Surveyor)



Property Address: 38 UPLAND ROAD

Surveyor Signature and Stamp: [Signature]

Date: 07/06/2017

Per §4.2 of the Zoning By-Law							
		REQUIRED		EXISTING		PROPOSED	
Lot Area (sq. ft.)		51,000 sf		31,825 sf		NO CHANGE	
Lot Frontage (feet)		50'		45'		NO CHANGE	
Lot Area/Unit (sq. ft./d.u.)		N/A		—		—	
Lot Coverage (% of lot)		30%		36.1%		40.3%	
Open Space (% of lot)		40%		54.4%		43.7%	
Setbacks: (feet)	➤ Front ^(a)	20'		15.2'		NO CHANGE	
	➤ 2nd Front Door (25%)						
	➤ Side/Side (SHED)	5'	5'	—	—	5'	5'
	➤ Rear (SHED)	5'		—		5'	
Building Height:	➤ Feet (SHED)	10'		—		8'	
	➤ Stories	N/A		N/A		N/A	
1/2 Story (feet) (Per §1.4)	➤ Perimeter (50%)	N/A		N/A		N/A	
	➤ Area (60%)	N/A		N/A		N/A	
	➤ Length (75%)	N/A		N/A		N/A	
Per §6D of the Zoning By-Law							
HVAC:		Prohibited in Front Yard and Side and Rear Setbacks					
Front Doors:		Both Must Face Street ^(b)					
		STANDARD		PROPOSED			
Curb Cut (One per 70' Frontage) ^(c)							

^(a) Front setback is equal to the average front setbacks of the abutting properties on either side.

^(b) The second unit's front door may be allowed to face the side yard only if the existing structure is historically or architecturally significant.

^(c) A second curb cut may be allowed where the Applicant can demonstrate that creating a second curb cut is harmonious with the surrounding neighborhood.

SUBMIT CALCULATIONS for all of the requirements listed above on a separate piece of paper(s) to verify how they were calculated

Site plan of a 2 1/2 story wood building. The building is rectangular with a total width of 45.00' and a total depth of 85.00'. The plan includes the following features and dimensions:

- Proposed Sheds:** Two sheds, each 10.0' wide and 8.0' deep, are located at the top of the site. They are separated by a 5.0' gap and have 5.0' margins from the top boundary.
- Overhang:** A structure labeled "OVERHANG" is located below the sheds, with a width of 7.6'.
- Main Building:** A large central area labeled "2 1/2 STORY WOOD".
- Access and Driveway:** A driveway labeled "No. 38" is located on the right side of the main building. A small structure labeled "L" is adjacent to it.
- Paved and Dirt Areas:**
 - PAVED AREA:** Indicated on the left and right sides of the site.
 - DIRT AREA TO BE PAVED:** A rectangular area at the bottom center, measuring 15.2' in depth and 6.1' in width.
- Other Dimensions:**
 - Top boundary: 45.00'
 - Left boundary: 85.00'
 - Right boundary: 85.00'
 - Bottom boundary: 45.00'
 - Top shed margins: 10.0' from left and right boundaries.
 - Top shed width: 10.0' each.
 - Top shed depth: 8.0' each.
 - Gap between sheds: 5.0'.
 - Overhang width: 7.6'.
 - Driveway width: 6.1'.
 - Bottom shed depth: 15.2'.
 - Bottom shed width: 6.0'.

ZONED (GR)

ZONING REQUIREMENT	EXISTING	PROPOSED
FRONT: 20'	15.2'	NO CHANGE
SIDE: 10'	6.0'	NO CHANGE
REAR: 20'	17.6'	NO CHANGE
SIDE(SHED): 5'	0.0'	10.0'
REAR(SHED): 5'	0.0'	5.0'
MAX. LOT COV.: 30%	36.1%	40.3%
MIN. OPEN SPACE: 40%	54.4%	43.7%

DEED REFERENCE: BK 62713 PG 88
PLAN REFERENCE: BK 190 PG 23

07/06/2017

DATE: _____

SCALE: 1" = 20'