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TOWN OF BELMONT
ZONING BOARD OF APPEALS

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Case No. 18-10
Applicants: Ulrich Klingbeil and Elizabeth Reed
Property: 32 Hammond Road
Date of Public Hearing: April 2nd, 2018



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Members Sitting: Nicholas Iannuzzi, Chair
Craig White
Faustino Lichauco
Phil Ruggiero
James Zarkadas
Andrew Plunkett

Members Voting: Nicholas Iannuzzi, Chair
Craig White
Faustino Lichauco
James Zarkadas
Andrew Plunkett

This matter came before the Board of Appeals (the "Board") of the Town of Belmont (the "Town") acting as 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, Ulrich Klingbeil and Elizabeth Reed ("Applicant"), seeks THREE SPECIAL PERMITS under Section 1.5 of the Zoning By-Laws to Enclose an existing Third Floor Porch at 32 Hammond Road. The property is located in a Single Residence C Zoning District and therefore the applicant is required under §1.5 to seek the Board's approval via special permit.

The applicant proposes to enclose an existing third floor porch. Special Permits requested:

- 1) The existing structure is three and a half stories, and current zoning permits two and a half. The lowest level of the dwelling is a basement (58.93% of the foundation walls are exposed) and is therefore considered a story. The proposed addition is therefore a third story alteration.
- 2) The existing and proposed lot coverages are 33.5%, and zoning permits a maximum of 25%.
- 3) Finally, the existing and proposed side setbacks are 9.0', (10.0' is required).

During the hearing the Applicant presented details of the proposed plan and answered the board's questions regarding use and other matters related to the proposed construction. The applicant explained that family and guests visit, and they require additional space to accommodate these guests as well as their children. They have a single bathroom in the home and this has become challenging with the number of people using the home. The applicant noted that the addition requested is common in their neighborhood.

The Applicant indicated that they had sought feedback from their neighbors and that neighbors were in support. They provided documentation with signatures in support of the application from

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neighbors as well as a direct abutting neighbor at the hearing who spoke in support of their application (Feinberg, 30 Hammond Rd).

Additionally, it was noted that there was an error on the survey pertaining to open space calculations. Mr. Yogurtian noted that he would ensure that a revised survey was provided prior to building permit issuance that addressed this error.

The applicant indicated that the plans would be updated to include a different type of window than shown on the existing plan.


The § 1.5.3. of the Town's Zoning 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."

The Board deliberated on April 2nd, 2018. The Board found that the proposed alteration does not increase the nonconforming nature of the structure or create a new nonconformity. The side setback of 9.0' will not change, nor will lot coverage which remains at 33.5%, the proposal to enclose the porch is consistent with other properties in the vicinity. The Board noted that there are existing residences in the neighborhood which have similar enclosed porches. The Board concluded that the proposed alteration is not substantially more detrimental than the existing non-conforming structure to the neighborhood and that the proposed alteration 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 three (3) Special Permits as requested.

For the Board,

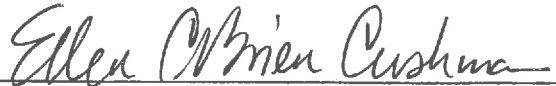
Dated: June 4, 2018



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 June 5, 2018, and further I certify that no appeal has been filed with regard to the granting of said three (3) Special Permits with zero (0) conditions.

June 29, 2018



Ellen O'Brien Cushman, Town Clerk
Belmont, MA