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BELMONT, MA

2018 JUN 25 PM 4: 15

CASE NO. 18-27

NOTICE OF PUBLIC HEARING BY THE
BELMONT ZONING BOARD OF APPEALS

ON APPLICATION FOR A SPECIAL PERMIT

Notice is hereby given that the Belmont Zoning Board of Appeals will hold a public hearing on Monday July 9, 2018 at 7:00 PM in the Art Gallery, 3rd floor, Homer Municipal Building, 19 Moore St., to consider the application of Stephen A. Evans and Elizabeth A. Albert at 100 Van Ness Road located in a Single Residence C (SRC) Zoning District, for the Board under section 4.2.2 A 7 to consider reducing the rear setback requirement to not less than the side requirement by SPECIAL PERMIT.

ZONING BOARD OF APPEALS



Town of Belmont
Zoning Board of Appeals

2018 JUN 25 PM 4: 15

APPLICATION FOR A SPECIAL PERMIT

Date: June 7, 2018

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 100 Van Ness Road 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 TO

Construct a 33 square foot addition ~~from~~ projecting 3.5 feet from existing building

① Under Section 4.2.2.A.7 for the board to consider ~~a~~ this a special permit application; and/or

② grant a variance in compliance with section 7.6.2 of the bylaw
on the ground that the same will be in harmony with the general purpose and intent of said Zoning By-Law.

Signature of Petitioner

Stephen A. Evans

Print Name

Stephen A. Evans

Address

100 Van Ness Rd

Belmont MA 02478

Daytime Telephone Number

617-872-8689



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

May 7, 2018

Stephen A. Evans and Elizabeth A. Albert
100 Van Ness Road
Belmont, MA 02478

RE: Denial to Construct a One Story Addition.

Dear Mr. Evens and Ms. Albert:

The Office of Community Development is in receipt of your building permit application for the construction of a One Story addition at 100 Van Ness Road located in a Single Residence C (SRC) Zoning District.

Your application has been denied because it does not comply with the Zoning By-Law. More specifically Section 4.2 of the By-Law requires a Minimum rear setback of 29.76.

1. The existing rear setback is 31.6' and proposed is 28.7'.

You may alter your plans to conform to the Zoning By-Law and resubmit for a building permit or you may request One (1) variance from the Zoning Board of Appeals. If you choose this option, please call the Office of Community Development at (617)-993-2650 to schedule an appointment with Ara Yogurtian, Assistant Director in order to begin this process.

Sincerely,

Glenn R. Clancy, P.E.
Inspector of Buildings

June 7, 2018

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

Re: 100 Van Ness Road: Proposed 3.5 Foot Extension of Kitchen.

To Whom It May Concern:

We are submitting this written statement in support of our Application for Special Permit to build a 3.5 feet single story bump out to our kitchen (total square footage of addition is approximately 33 feet). Specifically we are requesting relief under three different options:

1. Designate the facade where construction will occur as a side of the house. Because our house is located on a corner lot, it must have two front facades. That leaves open the question as to which of the remaining two facades of the house are to be treated as a side and a rear for set back purposes. If the facade of the house that has the front door and is the address of the property is deemed the actual front, then the facade opposite the front door would typically be the rear and the left facade of the house (when facing the front door) would be the side. Belmont has informed me that the left facade of the house (when facing the front door) where the construction is proposed is being treated as the rear of the house for set back requirements. If, in fact, that facade of the house is deemed the side of the house for set back purposes then we would be entitled to build the addition by right.

We note that we are not aware of any written standards or rules in the zoning bylaw as to how the rear and side set backs are determined for corner lots.

2. Special Permit. Alternatively, if the left side of the house is designated as being subject to the rear set back requirements, we seek a special permit under Section 4.2.2.A.7 to reduce the rear set back requirement to 15 feet (which is the side set back requirement). We note that this facade of the house abuts Payson Park and that because of the trees, elevation and set back of the park, our house is not generally visible from the park. Section 4.2.2.A.7 provides:

In the SR Districts, the Board of Appeals may grant a Special Permit reducing the rear setback requirement of corner lots and other unusually configured lots to not less than the side requirement, taking into consideration the configuration of the lot, and the effect upon the neighboring property.

3. Variance. Finally, as an alternative to options 1 and 2, we seek a variance from the rear set back requirement for the following reasons:

Section 7.6.2(1) Substantial Hardship. Because of the unique shape and location of the property, applying the rear zoning set back requirement to that side of the house would prevent even the smallest change to the footprint of the house and prevent the creation of an eat-in kitchen for our family forcing all meals to be eaten in the dining room. We have proposed the bare minimum addition that is needed to permit the creation of an eat-in kitchen for a kitchen.

Section 7.6.2(2) No Detriment to Public Good. We note that the small size of the addition would only extend 1 foot beyond the set back requirement and would be single story. We also note that there would be virtually no impact on the percentage of open space on the lot (open space is reduced from 77.8% to 77.2% vs. a requirement of 50%). Finally, the addition is on a side of the house to which there are no abutters. There is no detriment to the public good.

Section 7.6.2(3) No Nullification of Intent of By-Laws. The set back requirements are intended leave space between neighbors; in this case there is no abutter on that side of the house that would be impacted by the addition (the house borders Payson Park). In fact, applying the rear set back to that side of the house could potentially be viewed as contrary to the intent of the by-laws as most people would typically consider that façade to be the side of the house given the location of the front door and the property address.

Thank you for your consideration of our application. Please contact us at (617) 872-8689 if you have any questions prior to the hearing.

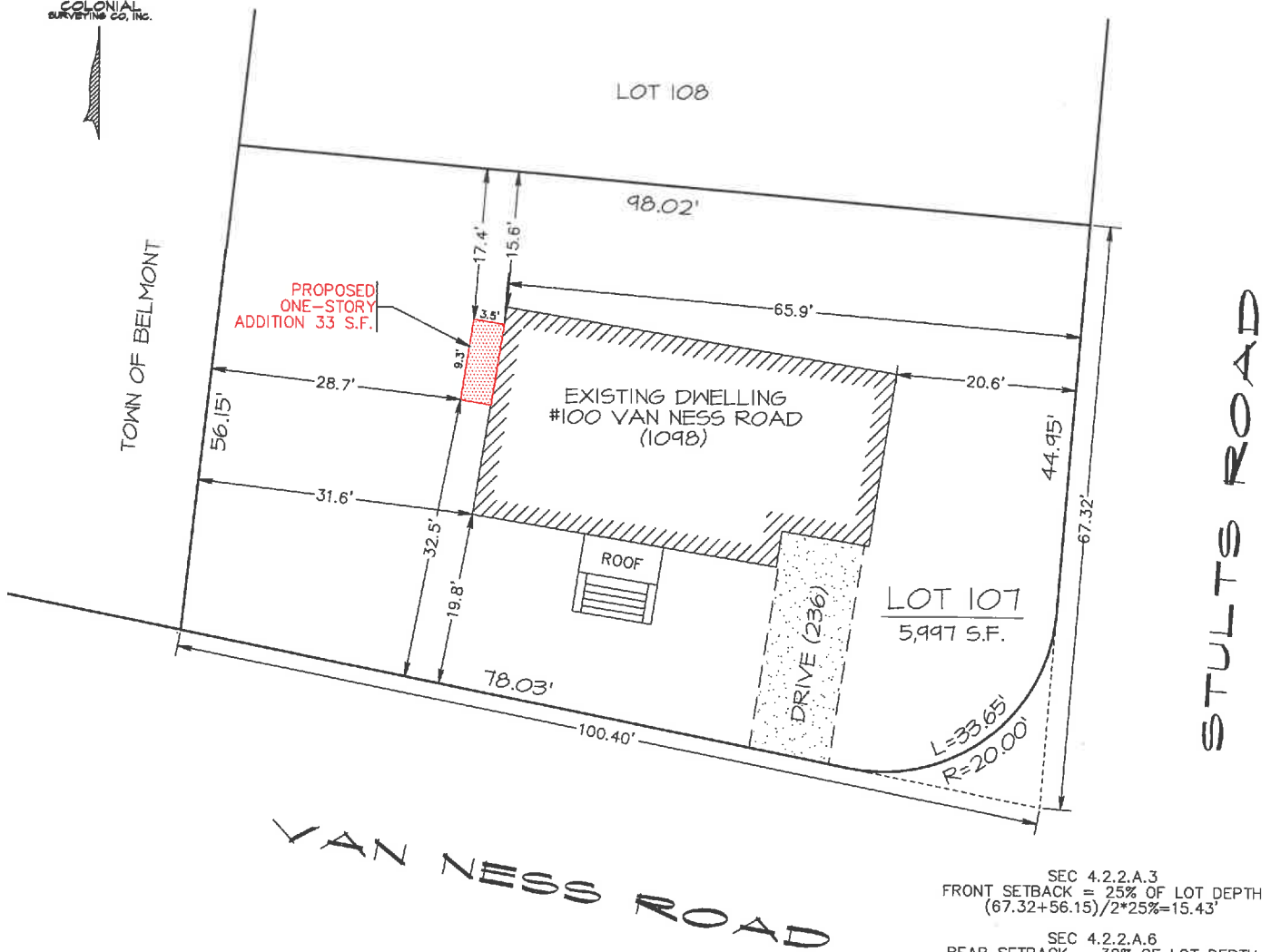
Sincerely,



Stephen A. Evans



Elizabeth A. Albert



SEC 4.2.2.A.3
FRONT SETBACK = 25% OF LOT DEPTH
(67.32+56.15)/2*25%=15.43'

SEC 4.2.2.A.6
REAR SETBACK = 30% OF LOT DEPTH
(98.02+100.40)/2*30%=29.76'

ZONING DISTRICT SC (SINGLE RESIDENCE C)

	REQ.	EXISTING	PROPOSED
FRONT SETBACK:	*15.43'	19.8'	19.8'
SIDE SETBACK:	10'	15.6'	15.6'
REAR SETBACK:	*29.76'	31.6'	28.7'
MAXIMUM LOT COVERAGE:	25%	18.3%	18.9%
MINIMUM OPEN SPACE:	50%	77.8%	77.2%

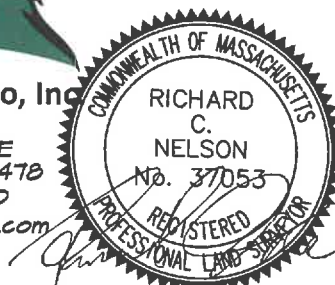
TOTAL LOT AREA: 5,997 S.F.

FLOOD BOUNDARY ZONE: C



Colonial Surveying Co., Inc.

3 OXFORD AVE
BELMONT, MA 02478
(617) 489-0880
www.colonialsurvey.com



GRAPHIC SCALE 1"=20'



Owner: Stephen A. Evans and Elizabeth A. Albert

Loc. House No. 100 Van Ness Road

Lot No. 107

App. No. _____

Date Jun 11, 2018

Scale 1" = 20'

Zoning Compliance Check List

(To Be Completed By Registered Land Surveyor)

Property Address: 100 Van Ness Road

Zone: Single Res C Date: June 11, 2018

Surveyor Signature & Stamp: Colonial Surveying Co., Inc., Richard C. Nelson, PLS

	REQUIRED	EXISTING	PROPOSED
Lot Area	9,000 S.F.	5,997 S.F.	5,997 S.F.
Lot Frontage	75'	156.63'	156.63'
FAR	N/A	--	--
Max. lot coverage	25%	18.3%	18.9%
Min. open space	50%	77.8%	77.2%
Front set back	15.43'*	19.8'	32.5'
Front set back	15.43'*	20.6'	20.6'
Side set back	10'	15.6'	17.4'
Rear set back	29.76'*	31.6'	28.7'
Building Height	33'	--	--
No. of stories	2.5	--	1
Yz Story Calculation			

NOTES:

Property is a corner lot and has Two front yard setbacks, one rear yard setback and one side yard setback.

* Front and Rear Setbacks calculated based on Zoning section 4.2.2.A

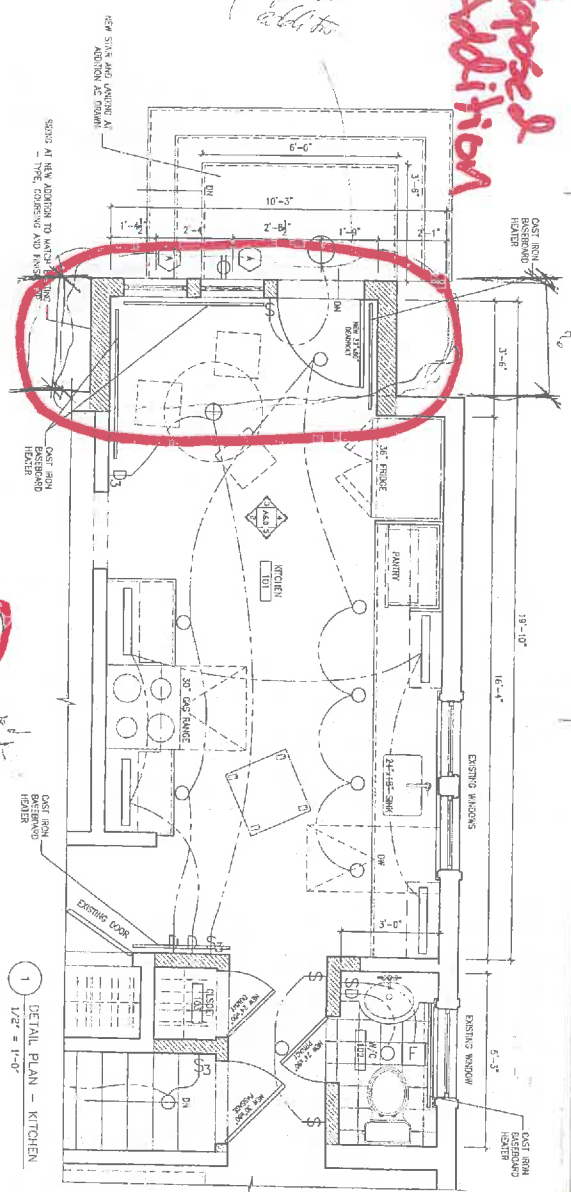
This is a black and white architectural line drawing of a two-story house with a gabled roof. The house features horizontal siding. On the second floor, there is a small square window in the gable and two larger rectangular windows. On the first floor, there is a large front entrance with a door and two windows, and a single rectangular window on the right side. The entrance area, including the door, windows, and steps, is enclosed in a red hand-drawn box. A north arrow is located above the entrance. Various dimension lines and arrows are present, indicating measurements and directions for construction or renovation. The drawing is a technical sketch, likely for a permit application or construction plan.

1 EXTERIOR ELEVATION
1/2' = 1'-0'

SECTION
1' = 1'-0"

A3.0

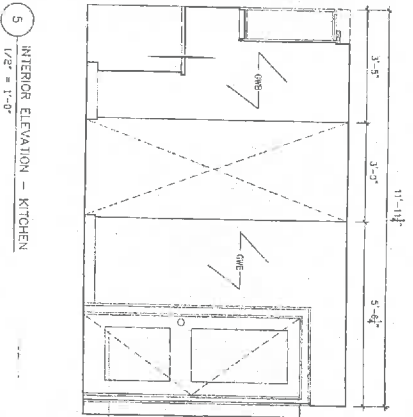
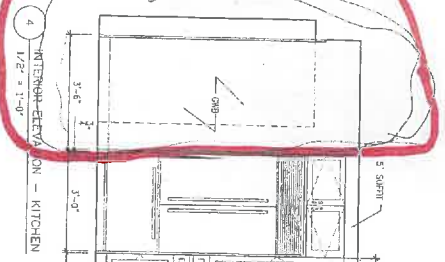
Proposed Addition



1 DETAIL PLAN - KITCHEN
1/2" = 1'-0"

2 INTERIOR ELEVATION - KITCHEN
1/2" = 1'-0"

3 INTERIOR ELEVATION - KITCHEN
1/2" = 1'-0"



5 INTERIOR ELEVATION - KITCHEN
1/2" = 1'-0"

ALBERT RESIDENCE
100 VAN NESS RD BELMONT, MA 02478

BROWN FENOLLOSA ARCHITECTS INC
197 Broadway Arlington MA 02474
P 781 641 9500 info@brownfenollosa.com

A2.0

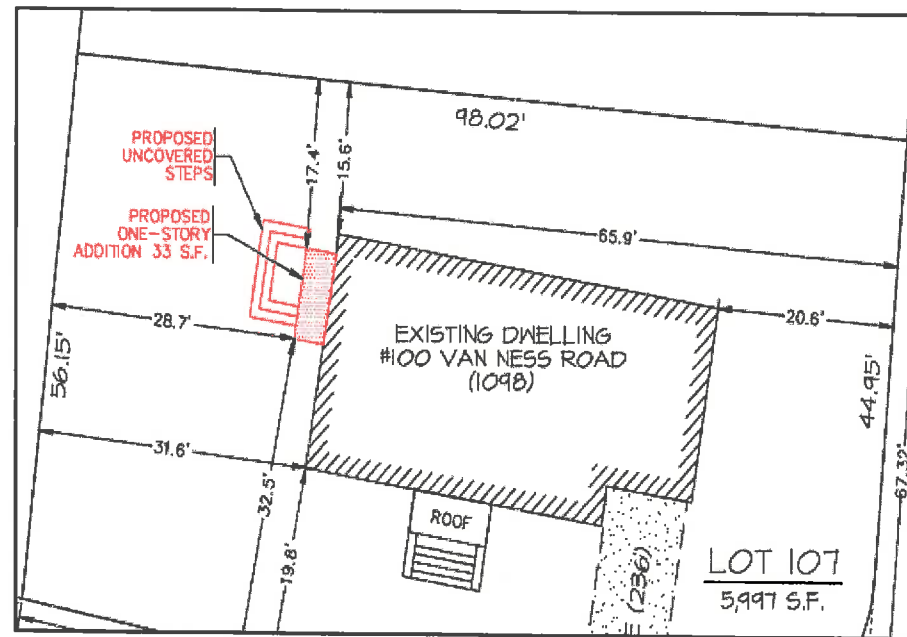
KITCHEN INTERIOR ELEVATIONS

DATE: 28-Mar-2013
SCALE: 1/2" = 1'-0"
PROJECT NUMBER: ALBERT
DRAWN BY: [Signature]

100 Van Ness Road

C
Side or Rear?

B
Side or Rear?



D- Front

A - Front

100 Van Ness Road

Side A (Front) – proposed construction on left (side B)



100 Van Ness Road

Side A (Front) – proposed construction on left side ~~(a)~~ B



100 Van Ness Road

Side D (Front) – Faces Stults



Side C (side or rear?)

