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**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

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ZONING BOARD OF APPEALS**



2018 00175197  
Bk: 71884 Pg: 545 Doc: DECIS  
Page: 1 of 2 11/15/2018 09:22 AM

**CASE NO.** 18-33  
**APPLICANT:** David and Kimberly Scheltz  
**PROPERTY:** 293 Cross Street  
**DATE OF PUBLIC HEARING:** 9/10/18  
**MEMBERS SITTING:** Nicholas Iannuzzi, Chairman  
Jim Zarkadas  
Tino Lichauco  
Andrew Plunkett  
Phil Ruggiero  
Casey Williams  
Blake Currier  
**MEMBERS VOTING:** Nicholas Iannuzzi, Chairman  
Jim Zarkadas  
Andrew Plunkett  
Tino Lichauco  
Philip Ruggiero

Book 57746  
Page 368

**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, David and Kimberly Scheltz ("Applicant"), seek one (1) Special Permit under Section 1.5 of the Belmont Zoning-Bylaw to replace and existing Deck with a new deck. Special permit 1. Maximum allowed lot coverage is 25%. The existing and proposed lot coverage is 29.8%

**Proposal**

The Applicant proposes to demolish the existing deck and replace with a new deck as indicated in the packet provided to the Board members. The new deck will be slightly larger than the current deck by 1 square foot. All framing will be done in accordance to all building codes and will be of high quality materials

**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

Case No. 18-33

Property: 293 Cross Street

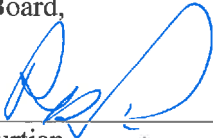
be substantially more detrimental than the existing nonconforming structure to the neighborhood and that it shall be in keeping with the character of the neighborhood in which it is located.” By-Law § 1.5.3.

The Board deliberated on 9/10/18. The Board found that the proposed deck does not increase the nonconforming nature of the structure or create a new nonconformity. The proposed deck will be consistent in style with the existing house. In the circumstances, the Board concluded that the proposed deck 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 replacement as requested and shown on the plans submitted to the Board.**

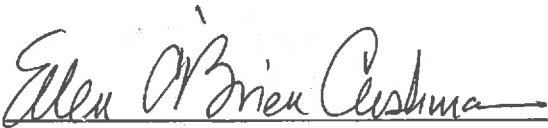
For the Board,

Date: October 23, 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 October 23, 2018, 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.

November 14, 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.