



2019 00047003
Bk: 72463 Pg: 316 Doc: DECIS
Page: 1 of 2 04/16/2019 03:08 PM

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

RECEIVED
TOWN CLERK
BELMONT, MA

19-01

CASE NO.

19-01

2019 FEB 19 PM 3:33

APPLICANT: *and owner*

Liyang Diao

PROPERTY:

214 Waverley Street

DATE OF PUBLIC HEARING:

January 7, 2019

Continued:

February 4, 2019

70582 - 565

MEMBERS SITTING:

Jim Zarkadas
Andrew Plunkett
Phil Ruggiero
Blake Currier, Associate Member
Casey Williams, Associate Member

MEMBERS VOTING:

Jim Zarkadas
Andrew Plunkett
Phil Ruggiero
Blake Currier, Associate Member
Casey Williams, Associate Member

*Liyang Diao
214 Waverley St
Belmont MA 02478*

Introduction

This matter came before the Board of Appeals ("Board") of the Town of Belmont ("Town") acting as Variance and Special Permit Granting Authority under the Zoning By-Law of the Town of Belmont, Massachusetts ("By-Law") and Chapter 40A of the Massachusetts General Law ("Zoning Act"). The Applicant, Ms. Liyang Diao ("Applicant") requests one (1) Variance under Section 1.5 of the Zoning By-Laws to construct a tool shed at 214 Waverley Street located in a General Residence (GR) Zoning District.

The Board held a duly noticed hearing on the application on January 7, 2019 and continued on February 4, 2019. The Applicant proposes to construct a tool shed to be located 6 ft. setback from the front property line. Section 4.3.5 c-2 of the Zoning By-Law require that any part of the accessory building forward of the rear of the dwelling line shall conform to the front setback, side line, and rear line requirements for a dwelling. The required front setback of the tool shed is 20.0' and the proposed is 6.0'.

Proposal

The applicant had submitted a plot plan marked with the proposed location of the tool shed and a zoning checklist for the Board's review.

Ms. Carol Brown of 7 Ash Street and Mr. Andrew Borkowski of 28 Shean Road, neighbors of 214 Waverley Street expressed concerns about height of the fence adjacent to the driveway and the proposed location of the shed. These concerns were in regards to the visibility clearance of vehicles exiting the driveway. The Board explained that the matter in hand was the tool shed location and the setback and that the violation of the height of the fence remains to be determined and enforced by the Office of Community Development Department.

No one else spoke in support or in opposition of the application.

The applicant requests a variance for the construction noted above due to circumstances of lot shape. The lot has three front frontages with the dwelling occupying much of the area that satisfies the 20 ft. front setback. She explained that if the shed is placed clear of the 20' required setback, it would obstruct the

Case No. 19-01
Address: 214 Waverly Street

windows of the first floor unit. She further explained that although the geometric shape of the lot is not as irregular as the By-Law might suggest, the lot having three frontages has created a hardship and the placement of any accessory building on the lot would require a variance from the Board.

Conclusion

On February 4, 2019, the Board deliberated on the Applicant's request for one (1) Variance under Section 4.3.5 c-2 of the Zoning By-Laws to construct a shed at 214 Waverly Street located in a GR Zoning District.

The Board proposed the following shed location stipulations:

1. Locate 10.0' minimum from the Shean Street Frontage.
2. Locate 20.0' minimum from the Waverley Street Frontage to meet the required front setback under Section 4.2.2 for GR Zoning Districts
3. Locate to meet all other Town of Belmont Zoning By-Laws.

Accordingly, **upon motion duly made by Casey Williams and seconded by Blake Currier, the Board voted 5-0 to grant the Applicant the requested (1) Variance with the stipulations noted above.**

For the Board:

Dated: February 19, 2019

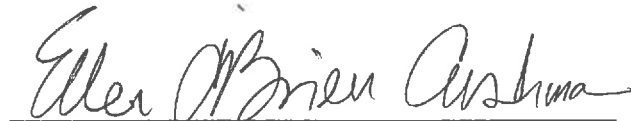


Ara Yogurtian
Assistant Director
Office of Community Development

CERTIFICATION

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 February 19, 2019, and further I certify that no appeal has been filed with regard to the granting of said one (1) Variance with three (3) conditions.

April 2, 2019



Ellen O'Brien Cushman, Town Clerk
Belmont, MA