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**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

19-11
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2019 APR 18 PM 3:19

Case No. 19-11

Applicant: Martin Bitner

Property: 207 Claflin Street

Date of Public Hearing: March 4, 2019

Members Sitting: Nicholas A. Iannuzzi, Jr. Chair
Jim Zarkadas
Craig White
Andrew Plunkett
Phil Ruggerio
Blake Currier, Associate Member
Casey Williams, Associate Member

Members Voting: Nicholas A. Iannuzzi, Jr. Chair
Jim Zarkadas
Craig White
Andrew Plunkett
Phil Ruggerio

OWNERS:

MARTIN ALLAN BITNER, JR.
MARIA ALESSANDRA BOLLETTINO

LOT 17

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 applicant Martin Bitner ("Applicant"), seek two (2) Special Permits under Section 1.5 of the Belmont Zoning-By- Laws to construct a two story addition and a deck at 207 Claflin Street ("Property) located in a Single Residence C (SRC) Zoning District.

Proposal

The Applicant proposes to construct a two story rear addition and a deck to be used for a new gym on the first floor and to expand an existing bedroom on the second floor. The need for Special Permits is triggered by the fact that 1.- The maximum allowed lot coverage in the SRC district is 25%, the existing lot coverage is 25.3% and the proposed is 25.2%. 2.- The required minimum side setback is 10.0', the existing and proposed side setback is 9.2'. The proposal is set forth on plans, including elevations prepared by Diane Miller, Architect, dated November 12, 2018, a plot plan dated December 6, 2018 and a Zoning Compliance Checklist dated December 10, 2018.

Diane Beckley Miller, the architect presented the case to the Board and submitted a signature sheet of 11 neighbors in support of the project.

No one spoke in support or in opposition during the hearing.

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Decision

Pursuant to the “Gale vs. Gloucester” decision, the relief needed by the Applicant is by Special Permits.

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 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.

A special permit to allow a two story addition and a deck to the Property was considered by the Board. The Board found that the proposed alterations do not substantially increase the non-conforming nature of the structure nor create a new nonconformity. The Board concluded that the proposed alterations are not substantially more detrimental to the neighborhood than the existing non-conforming structure, and that the proposed alterations are 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 two (2) special permits for the proposed two story addition and the deck as requested and shown on the plans submitted to the Board.

For the Board,

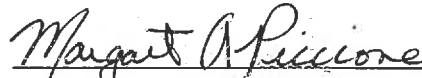
Date: April 18, 2019



Ara Yogurtian
Assistant Director
Office of Community Development

I, Margaret A. Piccione, hereby certify that twenty (20) days have elapsed after the decision was filed in the office of the Belmont Town Clerk on April 18, 2019, and further I certify that no appeal has been filed with regard to the granting of said two (2) Special Permits with zero (0) conditions.

May 9, 2019



Margaret A. Piccione, Assistant Town Clerk
Belmont, MA