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2019 APR 18 PM 3:18

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

Case No. 19-14

Applicant: Justin Bakule

*Owners -  
+ Joanna M Bakule*

Property: 4 Edward Street

Date of Public Hearing: April 8, 2019

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

Members Voting: Nicholas A. Iannuzzi, Jr. Chair  
Andrew Plunkett  
Phil Ruggerio  
Blake Currier, Associate Member  
Casey Williams, Associate Member

**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 Justin Bakule ("Applicant") seek two (2) Special Permits under Section 1.5 of the Belmont Zoning-By- Laws to enclose and expand a side porch at 4 Edward Street ("Property") located in a Single Residence C (SRC) Zoning District.

**Proposal**

The Applicant proposes to enclose and expand a side porch to be used for a mudroom. The need for Special Permits is triggered by the fact that 1. Maximum allowed lot coverage is 25%, the existing lot coverage is 27.0% and proposed is 27.3%. and 2. Minimum required side setback is 10.0', the existing side setback is 8.2' and the proposed is 6.3'. The proposal is set forth on plans, including elevations dated November 2018, a plot plan dated August 2, 2018 and a Zoning Compliance Checklist dated August 2, 2018.

Justin Bakule presented the case to the Board and submitted a signature sheet of 12 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 to enclose and expand an existing porch 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 enclosure and expansion of the side porch as requested and shown on the plans submitted to the Board.

For the Board,

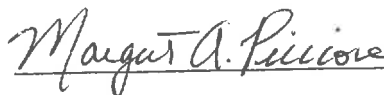
Date: April 18, 2019

  
Ara Yogurtian  
Assistant Director  
Office of Community Development

**CERTIFICATION**

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 13, 2019



Margaret A. Piccione, Assistant Town Clerk  
Belmont, MA

Doc 01B13516

Seaboard Business Land Court  
Suffolk District

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I HEREBY ATTEST AND CERTIFY ON  
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CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE  
AND IN MY LEGAL CUSTODY

MARIA C. CURTATONE  
ASST RECORDER  
LAND COURT

BY

*Maria C. Curtatone*

Justin BAKyle  
NAME 4 Edward St. TEL  
STREET ADDRESS Belmont, MA 02478  
CITY OR TOWN ZIP