

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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2022 DEC -8 AM 8:22

Case No. Amendment to Case #19-23

Applicants: Paul Peng and Muqing Gu

Property: 6 Spinney Terrace

Date of Public Hearing: June 17, 2019

Members Sitting: Nicholas A. Iannuzzi Jr. (Chair)
James Zarkadas (Vice Chair)
Andrew Kelley
Casey Williams
David Stiff (Associate Member)

Members Voting: Nicholas A. Iannuzzi Jr. (Chair)
James Zarkadas (Vice Chair)
Andrew Kelley
Casey Williams
David Stiff (Associate Member)

Introduction

This matter came before the Board of Appeals (the "Board") of the Town of Belmont (the "Town") acting as Special Permit Granting Authority under the Zoning By-Law of the Town of Belmont, Massachusetts (the "By-Law") and Chapter 40A of the Massachusetts General Law (the "Zoning Act"). The applicants, Paul Peng and Muqing Gu ("Applicant"), seek One Special Permit under Section 1.5 of the Zoning By-Law to amend their previously approved Special Permit to include the raising of the roof pitch on the mudroom on the east side of the dwelling. Special Permit: §4.2.2 of the By-Law requires a minimum side setback of 10', the existing and proposed side setback to the roof of the mudroom is 4.6'.

Proposal

The applicants propose to amend their Special Permit to include raising the slope of the roof above the mudroom.

The proposed was part of the original application, however, due to an error made at the time of the initial application, this Special Permit was not included in the discussions, deliberations or the decision.

The Board held a duly noticed hearing on this amendment on November 7, 2023.

Mr. Ara Yogurtian, Assistant Director of the Office of Community Development explained to the Board members the error that was made and noted that the applicant wishes to amend the Special Permit to correct this error made in 2019.

No revised plans or a plot plan was submitted to the Board for this amendment. 12 signatures of support from abutters was presented to the Board.

At the hearing, one neighbor spoke in favor of this amendment, no one spoke in opposition to the proposed.

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Conclusion

§ 1.5.3. of the Town's Zoning 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."

The Board deliberated on the amendment on November 7, 2022. The Board found that the proposed change of the roof slope is not substantially more detrimental to the neighborhood than the existing nonconforming structure and that the proposed alteration is in keeping with the character of the neighborhood in which it is located.

Accordingly, **motion was duly made to approve the requested amendment by Chair Nicholas Iannuzzi and seconded by Ms. Casey Williams. The Board voted 5-0 to grant the Special Permit as requested.**

For the Board,

Dated: December 7, 2022

A handwritten signature in black ink, appearing to read 'Ara Yogurtian', is written over a horizontal line.

Ara Yogurtian
Assistant Director
Office of Community Development