

19-24

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

RECEIVED
TOWN CLERK
BELMONT, MA

Case No. 19-24

Applicants: Nadia Shalaby ✓

Property: 32 Bright Road ✓

Date of Public Hearing: July 15, 2019

Members Sitting: Nicholas Ianuzzi (Chair)
Jim Zarkadas (Vice Chair)
Craig White
Phil Ruggiero
Casey Williams (Associate Member)

Members Voting: Nicholas Ianuzzi (Chair)
Jim Zarkadas (Vice Chair)
Craig White
Phil Ruggiero
Casey Williams (Associate Member)

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Bk: 73180 Pg: 544 Doc: DECIS
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Deck ref 71364-270

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 applicant, Nadia Shalaby ("Applicant") seeks two Special Permits under §1.5 of the Zoning Bylaw to Construct a Deck. Special Permits 1.- § 4.2 of the Zoning By-Law allows maximum Lot Coverage of 25%, the existing Lot Coverage is 25.5% and the proposed is 29.9%. 2. Minimum required side setback is 10.0', the existing side setback is 8.9' and the proposed is 9.0'.

Proposal

The petitioner proposes to construct a deck in place of an existing patio.

The applicant has submitted for the Board's review architectural drawings dated October 19, 2018, a plot plan dated May 13, 2019, a Zoning Checklist dated May 30, 2019, 14 signatures from neighbors supporting the application and a picture of the rear of the house where the proposed deck would be constructed.

The applicant explained to the Board that the proposed deck will cover the exact footprint of an existing patio. The intent was to increase safety during all seasons.

No one spoke in support or in opposition.

Mr. Yogurtian, Assistant Director of the Office of Community Development and the liaison to the Board brought to the Board's attention that the plot plan and the application refer to the proposed project as a deck, whereas the architectural drawings, including the framing plans and the elevations indicate that the proposed has an open roof covering, and would be described

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more commonly known as a "Pergola". He asked the Board to clarify in their deliberations and decision the structure they would be considering for approval or denial.

Decision

During deliberations the board discussed the applicant's request for two Special Permits and confirmed that the requested modifications as an unroofed deck are likely not detrimental to the neighborhood.

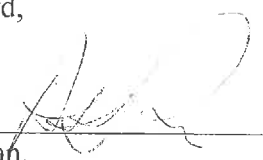
The Board deliberated on July 15, 2019. Under the "Gale vs. Gloucester" ruling, the relief sought are by Special Permits. Both items were considered by the Board. The Board found that the proposed expansion do not substantially increase the non-conforming nature of the structure or create a new nonconformity. 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 are in keeping with the character of the neighborhood in which the property is located.

Accordingly, **upon motion duly made by Nicholas Ianuzzi and seconded by Craig White, the Board voted 5-0 to grant the Two Special Permits as requested with the following condition:**

1. No roof structure will be allowed.

For the Board,

Dated: August 1, 2019




Ara Yogurtian,
Assistant Director
Office of Community Development

CERTIFICATION BY TOWN CLERK

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 August 1, 2019 , and further I certify that no appeal has been filed with regard to the granting of said Two Special Permits with one (1) condition.

August 27, 2019



Ellen O'Brien Cushman, Town Clerk
Belmont, MA

AUG 27 2019

COMMONWEALTH OF MASSACHUSETTS.
MIDDLESEX S.S. _____
SOUTH DIST. REGISTRY OF DEEDS
CAMBRIDGE, MA

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PAGE 544 _____

Maria C. Cantatore

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Thank You
MARIA C. CURTATONE - Register of Deeds

By: Kimberley M

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