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19-40

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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BELMONT, MA

Case No. 19-40

2020 JAN -7 PM 3:48

Applicants: Nadja Linden

owners: Nadja Linden
Thomas Linden

Property: 81 Oliver Road
71564-563

Date of Public Hearing: December 2, 2019



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Members Sitting: Nicholas Ianuzzi (Chairman)
Jim Zarkadas (Vice Chairman)
Andrew Plunkett
Phil Ruggiero
Craig White
Casey Williams (Associate Member)
Teresa McNutt (Associate Member)
Andrew Kelley (Associate Member)

Members Voting: Nicholas Ianuzzi (Chairman)
Jim Zarkadas (Vice Chairman)
Andrew Plunkett
Craig White
Andrew Kelley (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 applicant, Nadja Linden ("Applicant") sought one (1) Special Permit under Section 1.5 of the Zoning Bylaw to construct a second story addition above a garage in a property located in a Single Residence C Zoning District. Special Permit, 1-§4.2.2 of the Zoning Bylaws requires a minimum side setback of 10.0'. The existing and proposed side setback is 9.0'.

Proposal

The Applicant proposes to add a second story addition above the existing garage to house a bedroom, bath, laundry room and closets.

The applicant has submitted for the Board's review architectural drawings dated August 19, 2019, a Zoning Checklist dated August 23, 2019, a letter from Applicant in support of the proposal, and pictures of similar structures in the neighborhood.

At the hearing no one other than Applicant spoke in support or in opposition to the application.

Nadja Linden
81 Olive Rd
Belmont, MA 02478

Decision

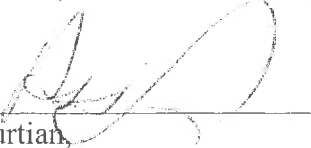
During deliberations the board discussed the applicant's request for one Special Permit and confirmed that the requested modifications are likely not detrimental to the neighborhood.

The Board deliberated on December 2, 2019. The relief sought is a special permit. Special Permits are required in a Single Residence C Zoning District to construct any additions not in compliance with the current zoning regulations. The proposed Special Permit was considered by the Board. The Board found that the proposed addition of a second story above the existing garage does not substantially increase the non-conforming nature of the structure or create a new nonconformity. The Board concluded that the proposed alteration is 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 the property is located.

Accordingly, **upon motion duly made by Craig White and seconded by Nick Iannuzzi the Board voted 5-0 to grant the One Special Permit as requested.**

For the Board,

Dated: January 7, 2020



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 January 7, 2020, and further I certify that no appeal has been filed with regard to the granting of said one (1) Special Permit with zero (0) conditions.

January 28, 2020



Ellen O'Brien Cushman, Town Clerk
Belmont, MA