

Book number # 67774

20-07

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**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

2020 APR 27 AM 9:24

Case No. 20-07

Applicant: William Horne and Andrea Dandridge
and owners

Property: 79 School Street

Date of Public Hearing: March 2, 2020

Members Sitting: Jim Zarkadas, Vice Chair
Casey Williams, Associate Member
Andrew Kelley, Associate Member
Teresa MacNutt, Associate Member

Members Voting: Jim Zarkadas, Vice Chair
Andrew Kelley, Associate Member
Casey Williams, Associate Member
Teresa MacNutt, Associate Member



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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 applicants William Horne and Andrea Dandridge ("Applicant") seek One (1) Special Permit under Section 1.5 of the Belmont Zoning By-Law to construct a second story addition at 79 School Street ("Property") located in a Single Residence C (SRC) Zoning District.

Proposal

The Board held a duly noticed hearing on the application on March 2, 2020. The Applicants propose to construct a second story addition at 79 School Street. The need for Special Permit is triggered by the following fact:

1. §4.2 of the Town of Belmont By-Laws require a 10.0' side setback. The existing setback to the principal structure and the proposed addition is 7.7'.

The proposal is set forth on plans, including elevations prepared by Susan Koelle Architect LLC, dated August 1, 2019, a plot plan dated May 29, 2019 and a Zoning Compliance Checklist dated August 9, 2019.

William Horne, the applicant, presented the case to the Board.

Mr. Horne explained to the Board that the proposed project is to modify the first floor layout to add a bathroom and an addition to the second floor for an office space and a master bathroom. The total expansion of the living space would be roughly 200 square feet and will not add to the existing footprint of the structure. He also added that the lot is a triangular shape lot and any expansion elsewhere on the lot would have created a similar non-conformity.

*William Horne
79 School Street
Belmont, MA 02478*

Mr. Scott Ferson, property owner and 20 year resident at 83 School Street, a direct abutter, spoke in favor of the proposed second floor addition and added that he would have also supported an addition to the footprint of the building if requested by the applicants.

No one spoke in opposition to the case during the hearing.

Decision

Pursuant to the "Gale vs. Gloucester" decision, the relief requested by the Applicant is by a Special Permit.


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 second story addition at the property was considered by the Board. The Board found that the proposed expansion does not substantially increase the non-conforming nature of the structure nor create a new nonconformity. The Board concluded that the proposed is not substantially more detrimental to the neighborhood than the existing non-conforming structure and that the proposed is in keeping with the character of the neighborhood in which the property is located.

Accordingly, **upon motion duly made by Teresa MacNutt and seconded by Andrew Kelley, the Board voted 4-0 to grant the Special Permit as requested.**

For the Board,

Date: April 17, 2020



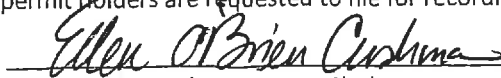
Ara Yogurtian
Assistant Director
Office of Community Development

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 June 8, 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.

Statutory appeal periods, and thus the issuance of Certificates of No Appeal, have been temporarily affected by Court Standing Orders, available at www.mass.gov/guides/court-system-response-to-covid-19. Applicants, abutters and interested parties should consult the Standing Orders to determine their next actions. Any decision by a permit holder to proceed is at their own risk, and the permit holder is urged to consult their own legal counsel.

Under Section 17 of Chapter 53 of the Acts of 2020, the requirement to record permit decisions with the Registry is suspended for so long as the Registry is "closed or subject to rules and procedures restricting public in-person access." However, such recording will still be required upon the full reopening of the Registry. The Middlesex County Registry of Deeds continues to accept filings by postal mail during this period, and permit holders are requested to file for recording through this method to the extent possible.



Ellen O'Brien Cushman, Town Clerk
Belmont, MA

July 14, 2020