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TOWN OF BELMONT ZONING BOARD OF APPEALS

2020 DEC -1 AM 11:34

Case No.	20-32
Applicant	Lixin Wang
Property	28-30 Francis Street
Date of Public Hearing	November 9, 2020
Members Sitting:	Nicholas Iannuzzi (Chair) Jim Zarkadas (Vice Chair) Casey Williams Teresa McNutt Andrew Kelley William Fick (Associate Member) Elliot Daniels (Associate Member)
Members Voting	Nicholas Iannuzzi Jim Zarkadas Casey Williams Teresa McNutt Andrew Kelley

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 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, Lixin Wang, (“Applicant”) seeks Two Special Permits under Section 1.5 of the Zoning By-Law to construct a dormer at 28-30 Francis Street located in a General Residence (GR) Zoning District.

§4.2.2 of the Zoning Bylaws requires a minimum side setback of 10.0’. Special Permit 1: The existing side setback on the East side is 4.9’ and the proposed is 6.6’. Special Permit 2: The existing and proposed side setback on the West side is 7.8’.

Proposal

The petitioner proposes to construct a dormer and add living space to the attic. She was represented by her husband Mr. Jack Sy who presented the proposal at a duly noticed public hearing on November 9, 2020 conducted via ZOOM videoconference (in connection with current restrictions regarding social distancing in connection with COVID-19). The applicant had provided the Board a plot plan dated April 9, 2019, a zoning checklist dated October 24, 2020, architectural drawings prepared by BT Design dated April 3, 2019 and photos of dwellings in the neighborhood with similar dormers.

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No one other than Mr. Sy spoke at the hearing in support or in opposition to the application.

Decision

Pursuant to the “Gale vs. Gloucester” decision, the reliefs requested by the Applicant are 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.

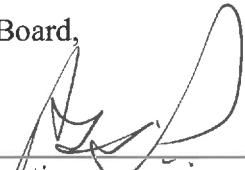
The Board deliberated on November 9, 2020. During deliberations the Board discussed the applicant’s request for two (2) Special Permits,

The relief sought is two (2) special permits, both for non-conforming side setbacks to the proposed dormers. The Board found that the proposed addition do not substantially increase the non-conforming nature of the structure or create a new nonconformity. The Board also concluded that the proposed dormer 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 Nick Iannuzzi, the Board voted 5-0 to grant the Two Special Permits as requested.**

For the Board,

Dated: November 30, 2020



Ara Yogurtian,
Assistant Director
Office of Community Development