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BELMONT, MA

2021 MAY -4 PM 3: 02

CASE NO. 21-13

NOTICE OF PUBLIC HEARING BY THE
ZONING BOARD OF APPEALS

ON APPLICATION FOR ONE SPECIAL PERMIT

Notice is hereby given that the Belmont Zoning Board of Appeals will hold a public hearing on Monday, May 17, 2021 at 7:00 PM by remote access through the Zoom app. to consider the application of Edward Yezdoghlyan and Susanna Hartenyan for One Special Permit under §1.5 of the Zoning By-Law to retain a newly constructed brick oven (outdoor grill) at 37-39 Wiley Road, located in a General Residence (GR) zoning district. §4.2.2 of the By-Law requires a 12.0' rear setback for "other" structures. The current setback to the grill is 0.28'.

ZONING BOARD OF APPEALS

Note: Application submittals, meeting agenda & instructions on remote access can be found on the Town's website <https://www.belmont-ma.gov/zoning-board-of-appeals>



Town of Belmont
Zoning Board of Appeals

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APPLICATION FOR A SPECIAL PERMIT

Date: April, 14 2021

Zoning Board of Appeals
Homer Municipal Building
19 Moore Street
Belmont, MA 02478

To Whom It May Concern:

Pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 9, as amended, and the Zoning By-Laws of the Town of Belmont, I/we the undersigned, being the owner(s) of a certain parcel of land (with the buildings thereon) situated on 39 Wiley Road Street/Road, hereby apply to your Board for a **SPECIAL PERMIT** for the erection or alteration on said premises or the use thereof under the applicable Section of the Zoning By-Law of said Town for Construct and outdoor grille.

on the ground that the same will be in harmony with the general purpose and intent of said Zoning By-Law.

Signature of Petitioner

Print Name

Address

Daytime Telephone Number


Melkon Yezdoghlyan

39 Wiley Rd

Belmont MA

617-938-1701



OFFICE OF COMMUNITY DEVELOPMENT
TOWN OF BELMONT

19 Moore Street
Homer Municipal Building
Belmont, Massachusetts 02478-0900

Telephone: (617) 993-2650 Fax: (617) 993-2651

Building Division
(617) 993-2664
Engineering Division
(617) 993-2665
Planning Division
(617) 993-2666

September 30, 2020

Eduard Yezdoghlyan and Susanna Hartenyan
39 Wiley Road
Belmont, MA 02478

Re: Outdoor Grille

Dear Mr. Yezdoghlyan and Ms. Hartenyan

It has been brought to my attention that an outdoor grille has been constructed on your property at 39 Wiley Road. The Town of Belmont Zoning By-law regulates the placement of structures on a property. The by-law defines a structure as:

Structure - Anything constructed or erected, the use of which requires fixed location on the ground, including buildings, mobile homes, signs, swimming pools, and tanks, but for purposes of this By-Law not including walls, fences, or paving.

It is my opinion that an outdoor grille meets the definition of a Structure and must be regulated as such. Table 4.2.2 Linear Requirements for Residential Districts requires "Other" structures (other than dwellings) in a General Residence District to be set back 20 feet from the front lot line, 10 feet from the side, and 12 feet from the rear.

You are hereby Ordered to remove the structure or relocate it so that it is in compliance with setback regulations. A certified plot plan is required if you choose to relocate the structure. If you feel aggrieved by this Order you may appeal to the Zoning Board of Appeals. Please note I have not included the option of a Variance from the Zoning Board of Appeals because I believe the narrow conditions under which a Variance can be issued are not satisfied in this situation. You have the right to apply for a Variance if you believe differently.

I appreciate your immediate attention to this matter. Please contact Ara Yogurtian 617-993-2660 if you would like to discuss applying to the Zoning Board of Appeals.

Respectfully,

Glenn R. Clancy, P.E.
Director
Zoning Enforcement Officer

Edward Yezdoghlyan and Susanna Hartenyan
39 Wiley Road
Belmont, MA 02478

April 14, 2021

Dear Board of Appeals members,

In May or June of 2019 we contacted the building department and asked for the rules and regulations pertaining an outdoor brick oven or a grill. We spoke with one of the inspectors, first name Paul, our apologies, we do not remember his last name.

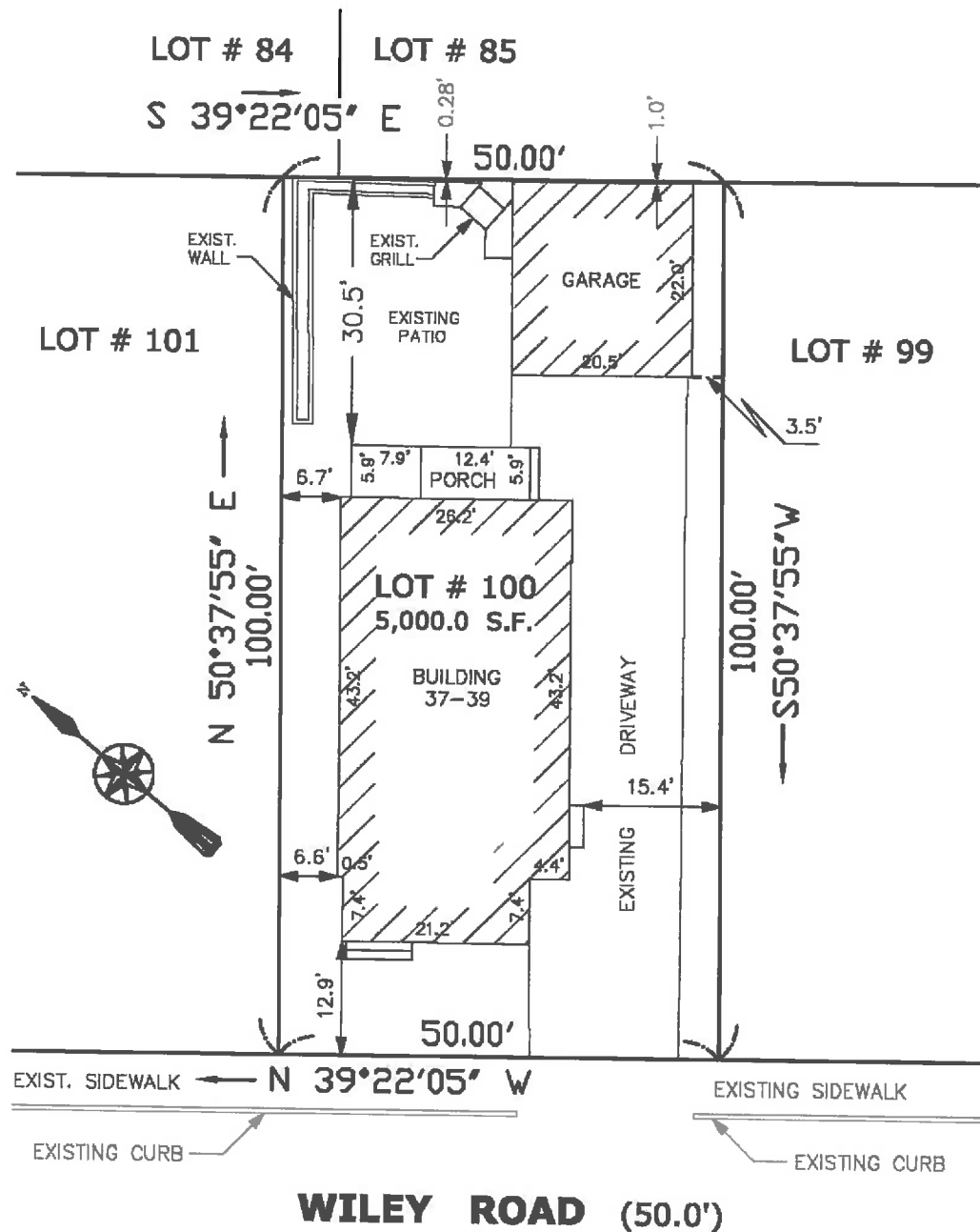
Mr. Paul told us that outdoor grills are not regulated by zoning as long as the height does not exceed 10.0'. In which case it would be considered a structure and thus must confirm with the zoning regulations and the Building code.

Following this information, last year, we hired a mason who built us the grill, height of the brick chimney at 8.0' with an additional cap of 10". Total height 8'-10".

In early October, we received a letter from Director Mr. Clancy, dated September 30, 2020 to stop all construction work. At that time the grill was already built and was being used.

As his letter indicates, he had allowed us to ask for a Special Permit from the Zoning Board of Appeals to retain the outdoor grill. We apologies for any trouble we might have caused.

Sincerely, Melkon Yezdoghlyan
On behalf of my parents



The LOT is in flood zone (C) as shown on The Federal Flood Insurance Rate Map.

The LOT is not in a wetland area as shown on the town of Belmont Wetlands Plan.

No public shade trees are located within the limits of the property frontage of the subject property.

TOTAL LOT AREA = 5,000.0 S.F.
 EXISTING DWELLING FOOTPRINT = 1,420.7 S.F.
 EXISTING GARAGE FOOTPRINT = 451.0 S.F.
 EXISTING DRIVEWAY AREA = 1,155.0 S.F.
 EXISTING LOT COVERAGE = 37.43 %
 EXISTING OPEN SPACE = 39.46 %



SITE PLAN

(Showing an existing dwelling)
 (Zoning: SRC)

Applicant: Edward Yezdaghlyan
 Surveyor: Michel El-Ashkar, P.L.S.

Scale: 1" = 20 ft.

Date: February 10, 2021

Location: 37-39 WILEY ROAD, BELMONT, MA.

"References" { Deed Book: 40236, Page: 89

{ Plan Book: 324, Plan: 45 (Lot # 100)

{ Assessor's Parcel ID : 26 - 115

Recorded at the Middlesex County South District Registry of Deeds.

ASHKAR ENGINEERING
 Tel: (978) 914-6527

70 Washington Street - Suite # 306, Haverhill, MA 01832
 E Mail: ashkaengineering@live.com

Mail body:

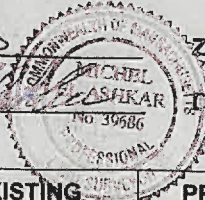
Zoning Compliance Check List (Registered Land Surveyor)

Property Address: 37-39 WILEY ROAD

Zone: SRC

Surveyor Signature and Stamp: Michel Ashkar

Date: 2/10/2021



	REQUIRED	EXISTING	PROPOSED
Lot Area	9,000.0	5,000.0	—
Lot Frontage	75.0	50.0	—
Floor Area Ratio	—	—	—
Lot Coverage	25% (MAX)	37.43 %	—
Open Space	50% (MIN)	39.46 %	—
Front Setback	25.0	12.9	—
Side Setback	10.0	6.6	—
Side Setback	10.0	15.4	—
Rear Setback	25.0	30.5	—
Building Height	36.0 (MAX)	22.8	—
Stories	2½	2	—
½ Story Calculation			

NOTES:
