

RECEIVED
TOWN CLERK
BELMONT, MA

CASE NO. 21-26

2021 AUG 31 AM 9:42

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, September 13, 2021 at 7:00 PM by remote access through the Zoom app. to consider the application of Anna Mikhayelovna Chetoukhina and Jose Malagon Lopez for One Special Permit under §1.5 of the Zoning By-Law to construct a mudroom and a deck addition at 63 Oak Avenue located in Single Residence C (SRC) Zoning district. §4.2 of the Zoning By-Law Dimensional Regulations require a minimum side setback of 10.0', the existing side setback is 3.8' and the proposed is 6.4'.

ZONING BOARD OF APPEALS



Town of Belmont
Zoning Board of Appeals

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2021 AUG 31 AM 9:42

APPLICATION FOR A SPECIAL PERMIT

Date: 07/25/2021

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 63 Oak Avenue 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 a small mudroom addition to the back entry of the house, adjacent to the kitchen, and the accompanying stairs and landing

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

Anna Chetoukhina

Address

63 Oak Avenue
Belmont, MA, 02478

Daytime Telephone Number

617-869-1804



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

June 29, 2021

Anna Mikhayelovna Chetoukhina and Jose Malagon Lopez
63 Oak Avenue
Belmont, MA 02478

RE: Denial to Construct a Rear Addition for a Mudroom and a Deck.

Dear Ms. Chetoukhina and Mr. Lopez,

The Office of Community Development is in receipt of your building permit application for your proposal to construct a rear addition for a mudroom and a deck at 63 Oak Avenue located in a Single Residence C (SRC) Zoning District.

Your application has been denied because it does not comply with the current Town of Belmont Zoning By-Law. More specifically, Section 4.2 of the Zoning By-Law Dimensional Regulations require a minimum side setback of 10.0'.

1. The existing side setback on the north side is 3.8' and proposed is 6.4'.

You may alter your plans to conform to the current Town of Belmont Zoning By-Law and resubmit a building permit application, or you may request one (1) Special Permit from the Zoning Board of Appeals. If you choose this option, please contact the Office of Community Development to schedule an appointment with Ara Yogurtian, Assistant Director, at (617) 993-2650 in order to begin the process.

Sincerely,

Glenn R. Clancy, P.E.
Inspector of Buildings

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

Application for a special Permit - Statement

To Whom It May Concern:

I, Anna Chetoukhina, and my husband, Jose de Jesus Malagon Lopez, have recently purchased a single-family home located on 63 Oak Avenue, Belmont, MA. It is our intention to make this home our permanent, long-term residence as we raise our family: we have two children, ages 4 and 2, and are expecting our third in December, 2021. Over the course of the past few months, we have made extensive internal renovations to the house, as well as structural improvements, including a dining room addition, currently under construction: all in compliance with Belmont's permitting process and zoning laws. This special permit concerns our last planned addition: a small mudroom on the back of the house, adjacent to the kitchen. This mudroom addition also includes accompanying stairs and a small landing, referred to as a "deck" on the submitted site plans.

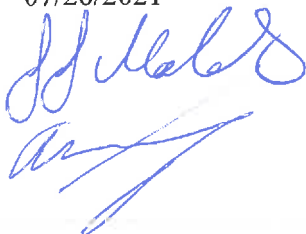
We kindly ask for your approval of this addition on the grounds that we are neither introducing a new violation, nor making the pre-existing violation materially worse. As per the attached denial letter, the mudroom addition does not comply with the current Town of Belmont Zoning By-Law due to a violation of Section 4.2 dimensional regulations requiring a minimum side setback of 10.0'. As you can see, our home already has a pre-existing violation: the existing side setback on the north side is already 3.8' and the existing back porch setback is 6.4'. We are only very marginally increasing the square footage of the existing back porch, maintaining 6.4' setback, while improving appearance and maintaining style integrity of our home.

In conclusion, we are very hopeful that after considering our letter you approve our application. We are making this improvement to fit the needs of our growing family: a mudroom in a family with three children is basically a necessity! We are being very thoughtful in preserving current character of the house and trying our best not to make any pre-existing violations worse.

Sincerely,

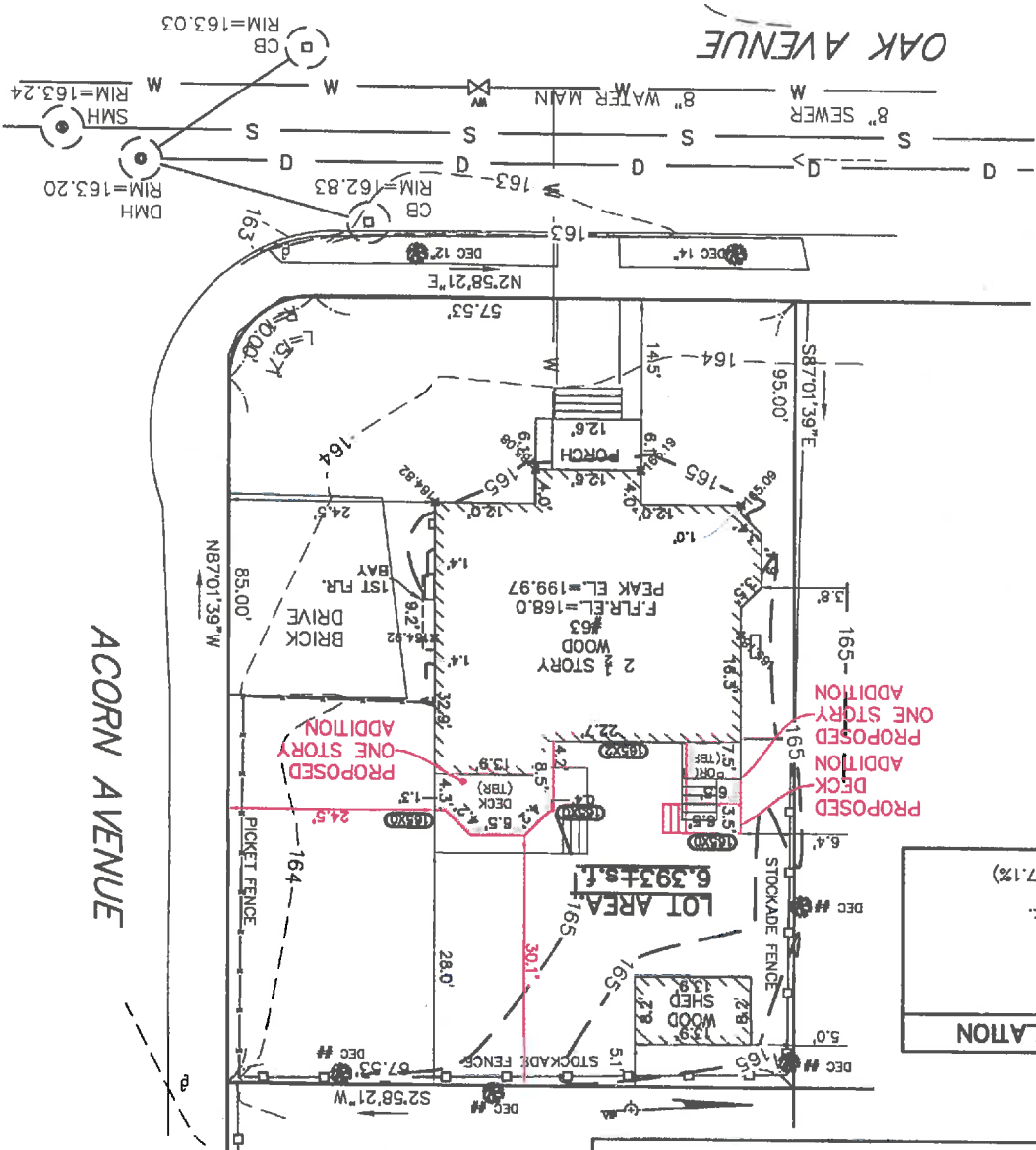
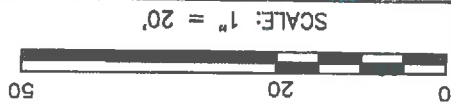
Anna Chetoukhina
Jose de Jesus Malagon Lopez

07/26/2021

Two handwritten signatures in blue ink. The top signature is a cursive name, likely 'Jose de Jesus Malagon Lopez'. The bottom signature is a stylized, more abstract cursive mark, likely 'Anna Chetoukhina'.

TOPOGRAPHIC SITE PLAN
BELMONT, MASSACHUSETTS
SHOWING PROPOSED CONDITIONS AT
#63 OAK AVENUE
DATE: APRIL 2, 2021
PROJECT: 221100
VTP ASSOCIATES INC.
LAND SURVEYORS - CIVIL ENGINEERS
132 ADAMS STREET 2ND FLOOR SUITE 3
NEWTON, MA 02458
(617) 332-8271

OWNER: JOSE DE JESUS MALAGON LOPEZ &
ANNA MIKHAYLOVNA CHETOUKHINA
LOC. HOUSE NO. #63 OAK AVENUE
LOT NO. 36



CELLAR CALCULATION

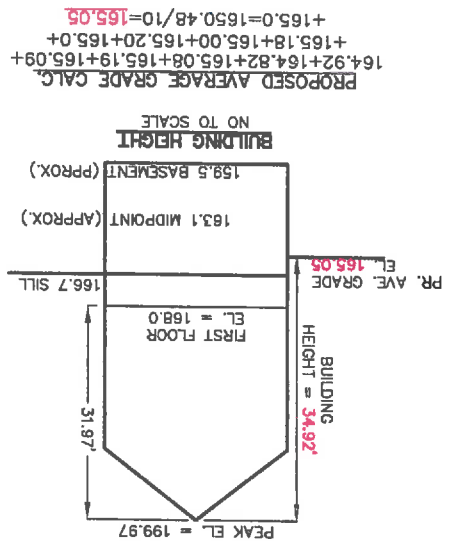
T.O.C. - CELLAR	166.7 - 159.5 = 7.2ft.
AVG. GRADE - CELLAR	165.05 - 159.5 = 5.55ft.
	5.55 / 7.2 = 0.7708 (77.1%)

ZONING CHART

BELMONT, MASSACHUSETTS			
ZONE: SR-C SUBMISSION: PROPOSED			
REGULATION	REQUIRED	EXISTING	PROPOSED
LOT AREA	9000s.f.	6,393±s.f.	6,393±s.f.
LOT FRONTAGE	75.0'	73.24'	73.24'
FRONT SETBACK	25.0'/21.25'(3)	14.5'	14.5'
SIDE SETBACK	10.0'	3.8'	3.8'*/24.5'
REAR SETBACK	30.0'	28.0'	30.1'*
BUILDING HEIGHT	34.0'RIDGE/2 1/2 STRY.	34.94'	34.92'*
AVERAGE GRADE	-	165.03	165.05
LOT COVERAGE	25.0%	22.0%	24.0%
OPEN SPACE	50.0%	68.0%	68.4%

*DOES NOT MEET REQUIREMENTS

(3) NO BUILDING NEED BE SET BACK MORE THAN 30% OF THE DEPTH OF THE LOT IN A SINGLE RESIDENCE A OR D DISTRICT, 25% OF THE LOT DEPTH IN A SINGLE RESIDENCE B OR C DISTRICT, NOR MORE THAN THE AVERAGE OF THE SETBACKS OF THE BUILDINGS ON THE LOTS CONTIGUOUS THERETO ON EITHER SIDE, A VACANT LOT, OR AN INTERSECTING STREET BEING COUNTED AS THOUGH OCCUPIED BY A BUILDING SET BACK AT THAT MINIMUM. HOWEVER, IN NO CASE SHALL THE SETBACK BE LESS THAN 15 FEET IN SINGLE RESIDENCE DISTRICTS.



Zoning Compliance Check List

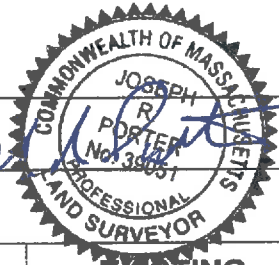
(Registered Land Surveyor)

Property Address: 63 Oak Ave

Zone: SR-C

Surveyor Signature and Stamp:

Date: 4/2/21



	REQUIRED	EXISTING	PROPOSED
Lot Area	9,000 s.f.	6,393 s.f.	6,393 s.f.
Lot Frontage	75.0'	73.24'	73.24'
Floor Area Ratio	-	-	-
Lot Coverage	25.0% (max.)	22.0%	24.0%
Open Space	50.0% (min.)	68.0%	68.4%
Front Setback	25.0'/21.25' (3)	14.5'	14.5'
Side Setback	10.0'	3.8'	3.8'
Side Setback	10.0'	24.5'	24.5'
Rear Setback	30.0'	28.0'	30.1'
Building Height	34.0' (max.)	34.94'	34.92'
Stories	2 ½ stories	2 ½ stories	2 ½ stories
½ Story Calculation			

NOTES:

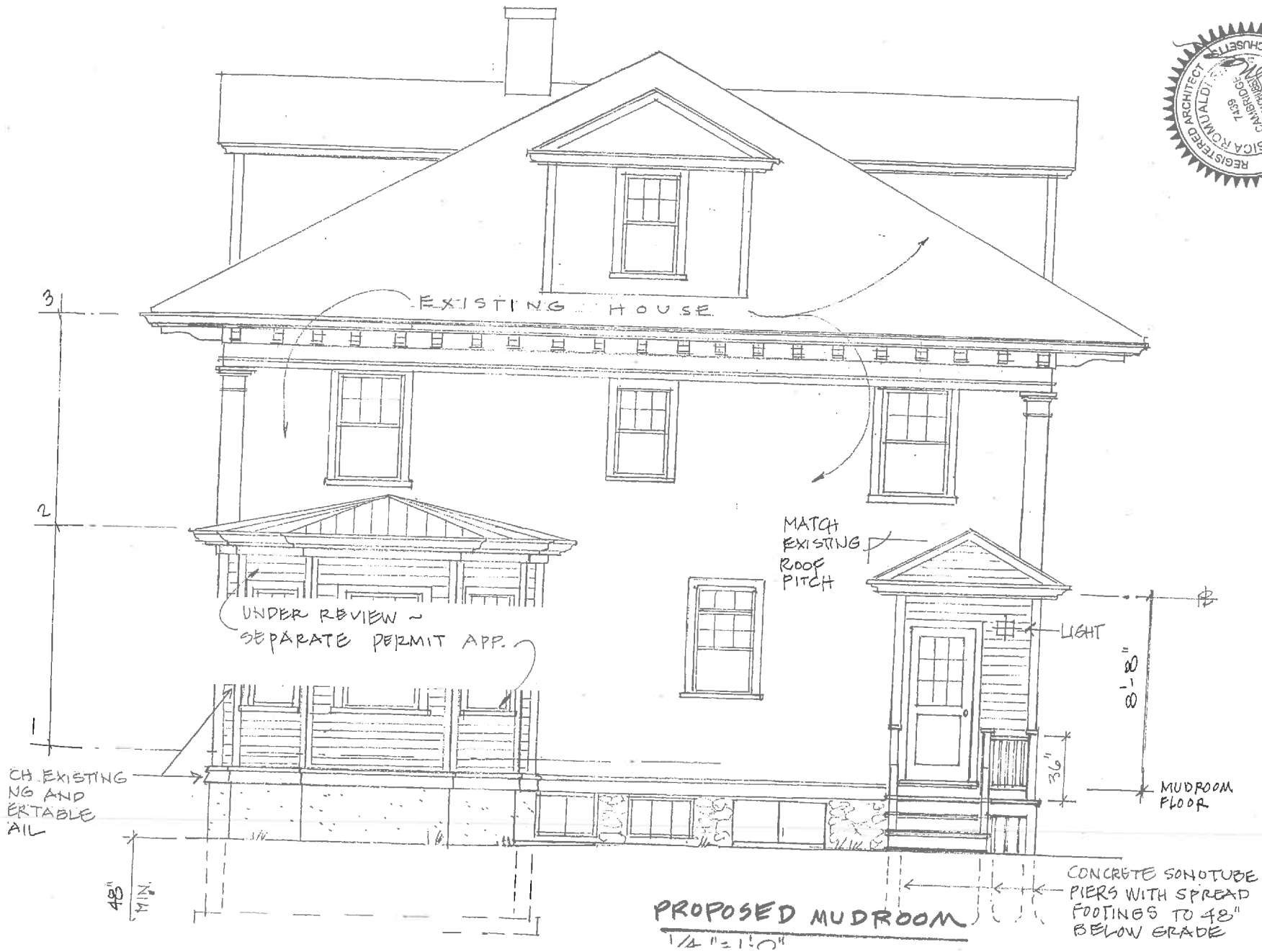
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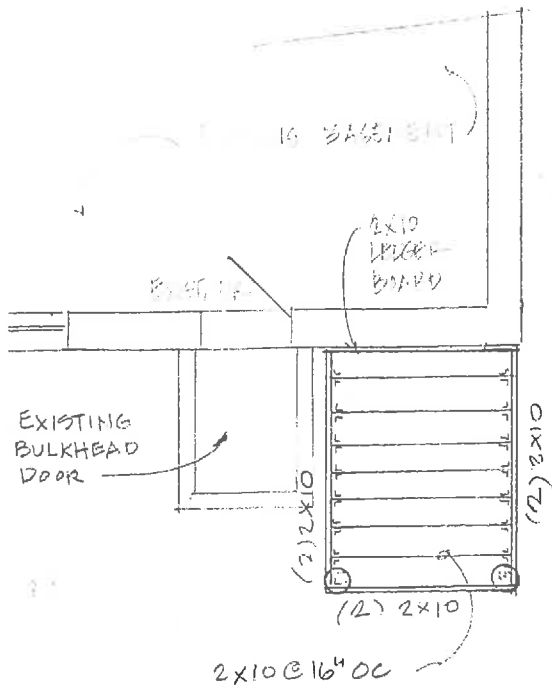


DATE 6-21-21 2

PROPOSED MUDROOM ELEVATION
CHETOURKHINA / LOPEZ RESIDENCE
63 OAK AVENUE · BELMONT · MA

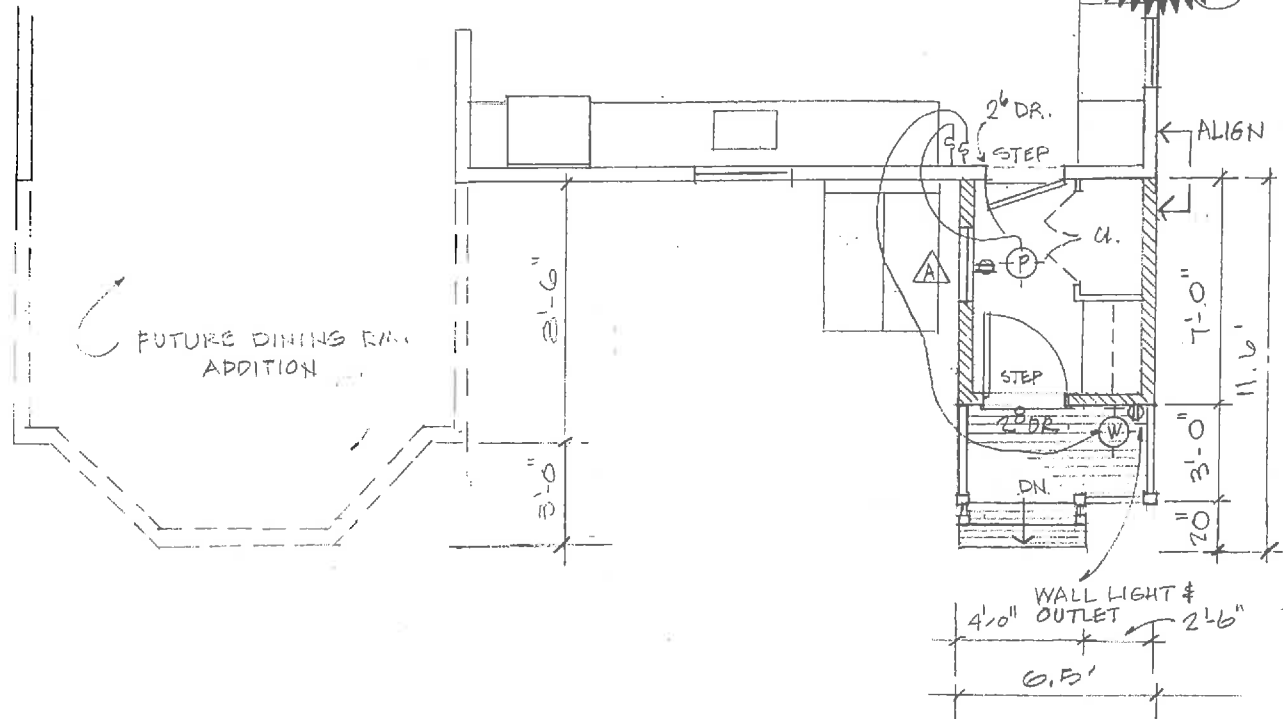
SPRING HILL DESIGN
158 CENTRAL STREET
SOMERVILLE MA 02145





MUDROOM FRAMING

ROOF FRAMING = 2x10 @ 16" O.C.
WITH 2x10 COLLAR TIES & CEILING
@ 16" O.C.



- A** WINDOW = MARVIN ULTIMATE
DOUBLE HUNG / S.D.L. / U = 1.30
- UDHG 2-2420 / 4 OVER 1 /
 - R.O. = 2'-6 1/4" x 4'-0"
 - TEMPERED GLASS

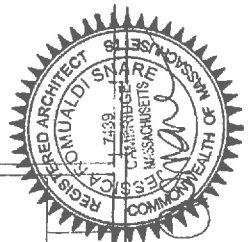
- O** OUTLET
- W** WALL LIGHT
- P** PENDANT OR CEILING MOUNT LT.

NEW WALLS = MIN. R-20
NEW ROOF = MIN. R-49
NEW FLOOR = MIN. R-30

PROPOSED MUDROOM PLAN

1/4" = 1'-0"

//// = NEW WALLS



DATE: 8-21-21

PROPOSED MUDROOM PLAN & FRAMING
CHETOUNHINA / LOPEZ RESIDENCE
63 OAK AVENUE, BELMONT, MA

SPRING HILL DESIGN
158 CENTRAL STREET
SOMERVILLE MA 02145