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ZONING BOARD OF APPEALS

2021 SEP 28 AM 8:56

Case No. 21-26

Applicants: Anna Mikhayelovna Chetoukhina and Jose Malagon

Property: 63 Oak Avenue

Date of Public Hearing: September 13, 2021

Members Sitting: Nick Iannuzzi (Chair),
Teresa MacNutt,
Casey Williams,
Andrew Kelley,
Elliott Daniels, (Associate Member)
Jeffrey Birenbaum, (Associate Member)
David Stiff (Associate Member)

Members Voting: Nick Iannuzzi (Chair),
Teresa MacNutt,
Casey Williams,
Andrew Kelley,
David Stiff (Associate Member)

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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 applicants, Anna Mikhayelovna Chetoukhina and Jose Malagon ("Applicants"), seek One Special Permit, under Section 1.5 of the Zoning By-Laws to construct a mudroom and a deck addition at 63 Oak Avenue located in a Single Residence C (SRC) zoning district. Section 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'.

The Applicants propose to construct a one-story mudroom and deck addition to replace an existing rear stairway. The addition will include a new stairway for entering and exiting the rear of the house. The addition will have a slightly larger footprint than the existing stairway: 11.6' x 6.5'. The addition will be adjacent to the side lot line, but there will be no change to the existing side setback. The mudroom and deck addition will improve the usability of the house. The Applicants stated that the addition will not be detrimental to the neighborhood since the addition will maintain the existing home style while improving its appearance.

At the hearing two neighbors spoke in support of the application and no one spoke in opposition to the application.

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During deliberations the board discussed the applicant's request and confirmed that the requested modifications are likely not detrimental to the neighborhood and do not reduce the existing setbacks.

The § 4.2 of the Town's Zoning By-Law Dimensional Regulations requires that the Board issue a Special Permit for any modifications or alterations where the existing side set back is non-conforming. Residential structures in a SRC zoning district require a minimum side setback of 10.0', the existing side setback is 3.8' and the proposed is 6.4'.

The Board deliberated on September 13, 2021. The relief sought is for one (1) Special Permit. The Board found that the proposed addition does not substantially increase the non-conforming nature of the structure or create a new nonconformity. The Board concluded that the proposed addition 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 a motion duly made by Nick Iannuzzi and seconded by Elliott Daniels, the Board voted 5-0 to grant the one (1) Special Permit as requested.

For the Board,

Dated: September 28, 2021



Ara Yogurtian
Assistant Director
Office of Community Development

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 September 28, 2021, 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.

October 21, 2021



Ellen O'Brien Cushman, Town Clerk
Belmont, MA