

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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Case No. 22-08

Applicant: Julia Yates

Property: 11 Sunnyside Place

Date of Public Hearing: May 5, 2022

Members Sitting: Nicholas A. Iannuzzi, Jr. Chairman
Demetrios (Jim) Zarkadas, Vice Chair
Casey Williams
Andrew Kelley
Teresa MacNutt
Elliot Daniels, Associate Member
David Stiff, Associate Member

Members Voting: Nicholas A. Iannuzzi Jr., Chairman
Demetrios (Jim) Zarkadas, Vice Chair
Andrew Kelley
Teresa MacNutt
Casey Williams

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 applicant Julia Yates ("Applicant"), seeks One (1) Special Permits under §1.5 of the Belmont Zoning-By- Laws to construct a one-story side addition at 11 Sunnyside Place located in a Single Residence A (SRA) zoning district. Section 4.2.2 a-6 of the Zoning By-Law Dimensional Regulations require a minimum setback of 25.0' from the rear line of the lot. 1.- The existing rear setback is 8.7' and proposed rear setback is 14.7'.

The Board held a duly noticed hearing on the application on May 5, 2022.

Proposal

The Applicant proposes to extend the first-floor kitchen space to align directly below an existing second floor 14'-2" x 2'-9" second floor cross gable, adding 38.97 square feet of living space. The proposal would enlarge the existing kitchen and thus make it more functional.

The Applicant submitted for the Board's review plans prepared by Miller Design, LLC dated January 26, 2022; a plot plan created by Douglass L. Johnston, Professional Land Surveyor, dated March 18, 2022; a basement calculation created by Douglass L. Johnston dated January 18, 2022, and zoning checklist created by Douglass L Johnston, that is undated.

The Applicant submitted one letter from neighbors in support of the project. The applicant also submitted a petition in support of the project signed by fourteen of their neighbors.

The project's architect Diane Miller, of Miller Design, LLC, made the presentation to the Board. Ms. Miller explained that the proposed expansion of the kitchen would seamlessly blend in below existing second floor cross gable. Ms. Miller also noted that the proposed addition was already approved by the Historic District Commission, pending the approval of the Board of Appeals.

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No one from the public spoke in favor or opposition to the proposed addition.

Decision

MGL 40A §6 provides in pertinent part: "Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the permit granting authority by ordinance or by-law that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood."

In the present case, the Board did not find the proposed expansion of the existing kitchen to be substantially more detrimental. The proposed will be consistent in style with the existing home and is in keeping with the character of the neighborhood in which it is located.

Accordingly, upon motion duly made by Nick Iannuzzi and seconded Jim Zarkadas, the members voted 5-0 to grant the One (1) special permit as requested.

For the Board,

Date: May 23, 2022



Gabriel S. Distler
Assistant Director
Office of Community Development