

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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2022 JUN -6 PM 12: 27

Case No. 22-09

Applicant: John and Elisa Perry

Property: 16 Garfield Road

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:

Nick Iannuzzi, 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 John and Elisa Perry ("Applicant"), seeks One (1) Special Permits under §1.5 of the Belmont Zoning-By- Laws to construct a two-story addition and a deck at 16 Garfield Road located in a Single Residence B (SRB) zoning district. Section 4.2.1 of the Zoning By-Law Dimensional Regulations require a maximum lot coverage of 25%. 1.- The existing lot coverage is 28.8% and proposed lot coverage is 28.1%.

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

Proposal

The Applicant proposes to construct a two-story 699 S.F. addition to enhance the functionality of homes bedroom space and to allow for the conversion of the existing first floor den back into an attached garage. The applicant proposes the demolition of the existing two-car attached garage in order to reduce the total lot nonconforming lot coverage.

The Applicant submitted for the Board's review plans prepared by Miller Design, LLC dated March 7, 2022; basement calculation prepared by Douglas L. Johnston, Professional Land Surveyor; and a plot plan and zoning checklist prepared by Douglas L. Johnston dated March 25, 2022.

The Applicant also submitted a petition in support of the project signed by eleven of their neighbors.

The project's architect Diane Miller, of Miller Design, LLC, made the presentation to the Board. Ms. Miller explained that the Applicant would like to remove a detached garage and construct a rear addition to the home as both a means of reducing the nonconforming lot coverage and to ensure that the Perry Family has direct accesses to each of the home's bedrooms, now some bedrooms are only accessible through other

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bedrooms. Ms. Miller also noted that by removing the detached garage and associated paving, the nonconforming open space will be improved and conform with the Zoning By-Laws.

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 rear extension to be substantially more detrimental. The Board found that the proposed does not increase the nonconforming nature of the structure or create a new nonconformity. The proposed demolition of the detached garage will reduce the preexisting nonconforming lot coverage and eliminate the preexisting nonconforming open space.

Accordingly, upon motion duly made by Jim Zarkadas and seconded by Teresa MacNutt, and upon roll call vote by Chairman Iannuzzi the Members Voting voted 5-0 to grant the One (1) special permit as requested.

For the Board,

Date: May 23, 2022



Gabriel S. Distler
Staff Planner
Office of Community Development