

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

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Case No. 22-14

Applicant: Tania and Greg Dunlap

Property: 29 Stearns Road

Date of Public Hearing: July 11, 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  
Teresa MacNutt  
Casey Williams  
David Stiff, Associate Member

**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 applicants Tania and Greg Dunlap (“Applicant”) seek One (1) Special Permit under §1.5 of the Belmont Zoning-By-Law to construct an addition on the existing nonconforming third floor at 29 Stearns Road located in a Single Residential C zoning district. §4.2 of the Zoning By-Law Dimensional Regulations require a maximum building height of 2.5 stories. The existing building is 3.5 stories and the proposed addition is at the third story level.

The Board held a duly noticed hearing on the application on July 11, 2022.

**Proposal**

The applicants propose to construct a 12’1” x 16’11” bedroom on the footprint of the existing third-story rear deck in order to accommodate their growing family.

The applicants submitted for the Board’s review plans prepared by Miller Design, LLC dated February 14, 2022; a plot plan prepared by Douglas L. Johnston dated April 7, 2022; and zoning checklist prepared by Douglas L. Johnston dated May 11, 2022.

The applicants also submitted a letter signed by three neighbors in support of the project and petition in support of the project signed by fifteen other neighbors.

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The applicants' architect, Diane Miller, of Miller Design, LLC made the presentation to the Board. Ms. Miller explained that the rear addition will only replace the existing third story deck and will not increase the nonconforming nature of the structure. The proposed rear addition will increase the gross floor area but will not enlarge the house to the extent that it is out of scale with other structures in the neighborhood. The height of the existing house is 25'-8" while the height of the proposed addition is 24'-2", well beneath the maximum height of 30' required by the zoning bylaw and consistent with neighboring structures. Ms. Miller further stressed that the addition is in the rear and could not be seen from the street.

At the meeting 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 third story addition on the footprint of the existing rear porch to be substantially more detrimental.

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

For the Board,

Date: September 16, 2022



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Gabriel S. Distler  
Staff Planner  
Office of Community Development