

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

2022 SEP 16 AM 10:48

Case No. 22-16

Applicant: Andrew and Michelle Miller

Property: 180 Claflin Street

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
Andrew Kelley

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 Andrew and Michelle Miller ("Applicant"), seek One (1) Special Permit under §1.5 of the Belmont Zoning-By- Laws to reconstruct and enlarge attic dormer at 180 Claflin in a Single Residential C zoning district. §4.2 of the Zoning By-Law Dimensional Regulations require a minimum setback of 10' from the side line of the lot. The existing side setback is 7.7' and the proposed side setback is 9.0'.

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

Proposal

The applicants propose to construct a 15.5' dormer to replace an existing 5.8' dormer. They have submitted for the Board's review plans prepared by Miller Design, LLC dated June 7, 2022; a plot plan prepared by Douglas L. Johnston dated June 12, 2022; and zoning checklist prepared by Douglas L. Johnston dated June 22, 2022.

The applicants also submitted a petition in support of the project signed by fourteen neighbors.

The architect, Diane Miller, of Miller Design, LLC made the presentation to the Board. Ms. Miller explained that the proposed dormer is to replace an existing dormer that is located above the stairs to the attic. The existing dormer does not provide adequate clearance height to

be compliant with building code. The proposed new dormer would be constructed to align with the existing ridge and thus provide more headroom to the attic staircase. It would be horizontally extended by about 10' to allow for the construction of an attic level bathroom. Ms. Miller stated that only 3 Square Feet of proposed square feet located within the side setback.

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 dormer to be substantially more detrimental to the neighborhood.

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

For the Board,

Date: September 16, 2022



Gabriel S. Distler
Staff Planner
Office of Community Development