



Town of Belmont
Zoning Board of Appeals

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TOWN CLERK
BELMONT, MA

2022 SEP 14 PM 3:15

APPLICATION FOR A SPECIAL PERMIT

Date: 9/1/22

Zoning Board of Appeals
Homer Municipal Building
19 Moore Street
Belmont, MA 02478

To Whom It May Concern:

Pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 9, as amended, and the Zoning By-Laws of the Town of Belmont, I/we the undersigned, being the owner(s) of a certain parcel of land (with the buildings thereon) situated on 25-27 PAYSON ~~Street~~ Road, hereby apply to your Board for a **SPECIAL PERMIT** for the erection or alteration on said premises or the use thereof under the applicable Section of the Zoning By-Law of said Town for _____

Construction of a Porch and associated Stairway at the rear to the existing structure, replace the existing insufficient stairway. The entire left side of the existing structure is non-conforming with a 4.5 FT left side setback, where a 10 ft setback is required.

The proposed egress Stair and Porch at the rear will be constructed so as to continue the existing line of the building. This change requires relief as the existing structure will continue, but NOT INCREASE that non-conformity. Relief is requested consisting of two special permits under Bylaw sections 1.4.3A and 4.2.2.

on the ground that the same will be in harmony with the general purpose and intent of said Zoning By-Law.

Signature of Petitioner

Print Name

Address

Daytime Telephone Number

[Signature]
Amir H Anbardar
40 Bigelow Ave #18
Watertown, MA 02472
617-849-4118



OFFICE OF COMMUNITY DEVELOPMENT

TOWN OF BELMONT

19 Moore Street
Homer Municipal Building
Belmont, Massachusetts 02478-0900

Telephone: (617) 993-2650 Fax: (617) 993-2651

Building Division
(617) 993-2664
Engineering Division
(617) 993-2665
Planning Division
(617) 993-2666

August 16, 2022

Amir R. Anbardar and Atena Yousefi,
25-27 Payson Road.
Belmont, MA 02478

RE: Denial to Construct Second Story Porch

Dear Mr. Anbardar and Ms. Yousefi,

The Office of Community Development is in receipt of your building permit application for your proposal to construct a second story deck and exterior staircase at 25-27 Payson Road located in a General Residence Zoning District.

Your application has been denied because it does not comply with the current Town of Belmont Zoning By-Law. More specifically, Section 1.5.4 A allows extensions and alterations of non-conforming structures in the GR zoning district by a Special Permit from the Zoning Board of Appeals. In addition, §4.2.2 of the Zoning By-Law Dimensional Regulations allows a minimum side setback of 10.0'.

1. The proposed changes to the structure are allowed by a Special Permit.
2. The existing side setback is 4.5' and the proposed is 4.5'.

You may alter your plans to conform to the current Town of Belmont Zoning By-Law and resubmit a building permit application, or you may request two (2) Special Permits from the Zoning Board of Appeals. If you choose this option, please contact the Office of Community Development to schedule an appointment with Gabriel S. Distler, Staff Planner, at (617) 993-2666 in order to begin the process.

Sincerely,

Glenn R. Clancy, P.E.
Inspector of Buildings

25-27 Payson Road, Belmont

ZBA Relief Request Supporting Information

| Project Information | | | |
|---|-------------------|--|------------------------------------|
| PROPOSED PROJECT | | | |
| <p>The owners of 25 – 27 Payson Road are proposing to update and modernize the existing two family home. They will be living in the Upper Unit and renting out the Lower Floor unit.</p> <p>The only changes to the exterior are related to egress. The existing Basement egress will be reconfigured on the driveway side for improved access. This is a BY-RIGHT change.</p> <p>The secondary rear egress for the Upper Unit is also to be reconfigured by adding a small Porch and associated stairway at the rear to replace the existing failing stairway.. This change requires relief as the existing structure is non-conforming on the left side and the new egress will EXTEND, BUT NOT INCREASE that non-conformity.</p> | | | |
| NON-CONFORMING COMPONENTS AND RELIEF REQUESTED | | | |
| <p>NON-CONFORMING RELIEF REQUESTED</p> <p>The primary relief request is related to the 10.0 FT side setback.</p> <p>The existing 4.5 FT left side setback non-conformity WILL NOT be made worse. However, the proposed egress Stair and Porch at the rear will be constructed along the line of the building and will be within the 10.0 FT setback requirement.</p> <p>It has been determined that the requested Relief will consist of two special permits under Bylaw sections 1.4.3A and 4.2.2.</p> | | | |
| SPECIAL SITUATION | | | |
| <p>A Building Permit for the proposed changes and updates to 25-27 Payson was approved by Inspectional Services earlier this year. The zoning non-conformities were identified AFTER construction was well underway. This request for relief is being made to rectify the situation and bring the existing construction into full compliance.</p> | | | |
| Zoning and Dimensional Compliance Information | | | |
| District GR | Required | Existing / Proposed | New Construction Compliance Status |
| Dimensional Requirements | | | |
| Lot Size | 5,000 SF | 8,217 SF | CONFORMS |
| Minimum Frontage | 50.0 LF | 52.8 LF | CONFORMS |
| Minimum Front Yard Depth | 20.0 FT | 17.5 FT (existing) (NO CHANGE PROPOSED) | EXISTING NON-CONFORMING |
| Minimum Side Yard – LEFT | 10.0 FT | 4.5 FT (existing) (NO CHANGE PROPOSED) | EXISTING NON-CONFORMING |
| Minimum Side Yard – RIGHT | 10.0 LF | 14.2 FT (existing) 13.7 FT (proposed) | CONFORMS |
| Lot Coverage | 30.0 % | 22.6 (existing) 24.4 (proposed) | CONFORMS |
| Open Space | 40.0 % | 62.1 (existing) 60.3 (proposed) | CONFORMS |
| Height | 33.0 FT 2.5 ST | 28.5 FT (existing) APPROX. (NO CHANGE PROPOSED) | CONFORMS |

Property Overview

PROPERTY HISTORY AND OVERVIEW – EXISTING STRUCTURE

| | EXISTING STRUCTURE | PROPOSED CHANGES |
|-----------------------|--------------------|------------------|
| Property Class | Two-Family | NO CHANGE |
| Zoning | GR | NO CHANGE |
| Land Area | 8,217 SF | NO CHANGE |
| Year Built | 1923 | NO CHANGE |
| Number of Stories | 2.5 | NO CHANGE |
| Rooms/Bedrooms | 12 / 5 | 10 / 6 |
| Full Baths/Half Baths | 3 / 0 | 5 / 1 |

Property Context and Abutters



Criteria for Relief

RELIEVES A HARDSHIP

The relief request for 25-27 Payson Road results from the constraints due to left side setback. The goal of the proposed changes is to allow the owners to update their property and transform it into a viable, contemporary living space that would be fall into the typical range of size and features for the neighborhood.

AN IMPROVEMENT TO THE NEIGHBORHOOD – NOT A DETRIMENT

The fundamental guideline for the granting of relief requested is that the proposed change is not detrimental to the neighborhood. The owners have been very careful to minimize the changes they are making to the existing structure. They are updating and modernizing a property that has not been touched in years and the proposed will work will be a benefit to the neighborhood. The updates and finishes will all be in keeping with the traditional features of the existing home and complementary to the styles in the neighborhood.

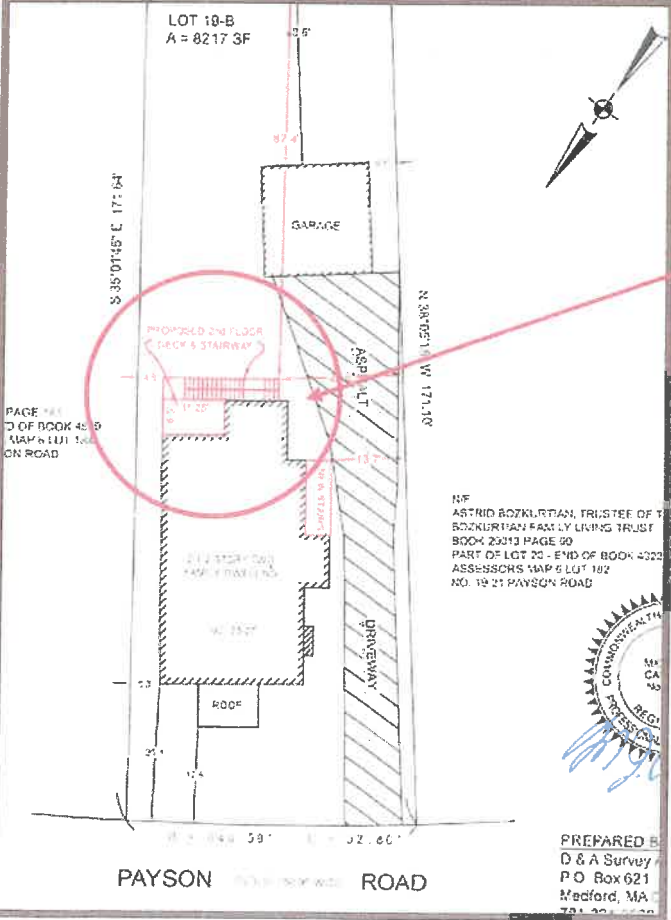
The proposed relief WILL NOT be visible from the street. It is fully behind the existing building and visible ONLY to the abutter on the left side.

Frankly, we believe that the overall project is actually be an aesthetic improvement to the neighborhood. The updates and modernizations will take a property last updated roughly 40 years ago and bring it to a point where it is fresh and current. We also think that the very restrained intervention that we are undertaking is much more measured and respectful than many of the recent/current teardown/new home projects in the Coolidge Square area and in the Town at large.

IMPACT ON ABUTTERS

The only homeowner abutter that will be affected in any measurable manner is the contiguous neighbor on the left side at 31 Payson Road. Their view will be different in the sense that the old, poorly maintained rear of 25-27 will be updated with the addition of a small porch and stairway that faces away from them. We believe that this will be a minimal impact on the view and a positive improvement aesthetically.

Proposed Site Plan – Excerpted and Enlarged View



AREA OF REQUESTED RELIEF

Existing Conditions Photos



Existing Elevation – Before Construction – Front Left



Existing Elevation – Before Construction – Front Right

Aerial View of Property – Right Side



Aerial View of Property – Left Side



Street Context – House to Right



Street Context – House to Left



Abutter Views – House to Left



APPROXIMATE
PROPOSED PORCH
LAYOUT

VISIBILITY
SECTION OF
ABUTTERS
HOUSE

Zoning Compliance Check List
(Registered Land Surveyor)

Property Address: _25-27 PAYSON ROAD

Zone: GR

Surveyor Signature and Stamp: _____

Date: Aug. 31, 2022



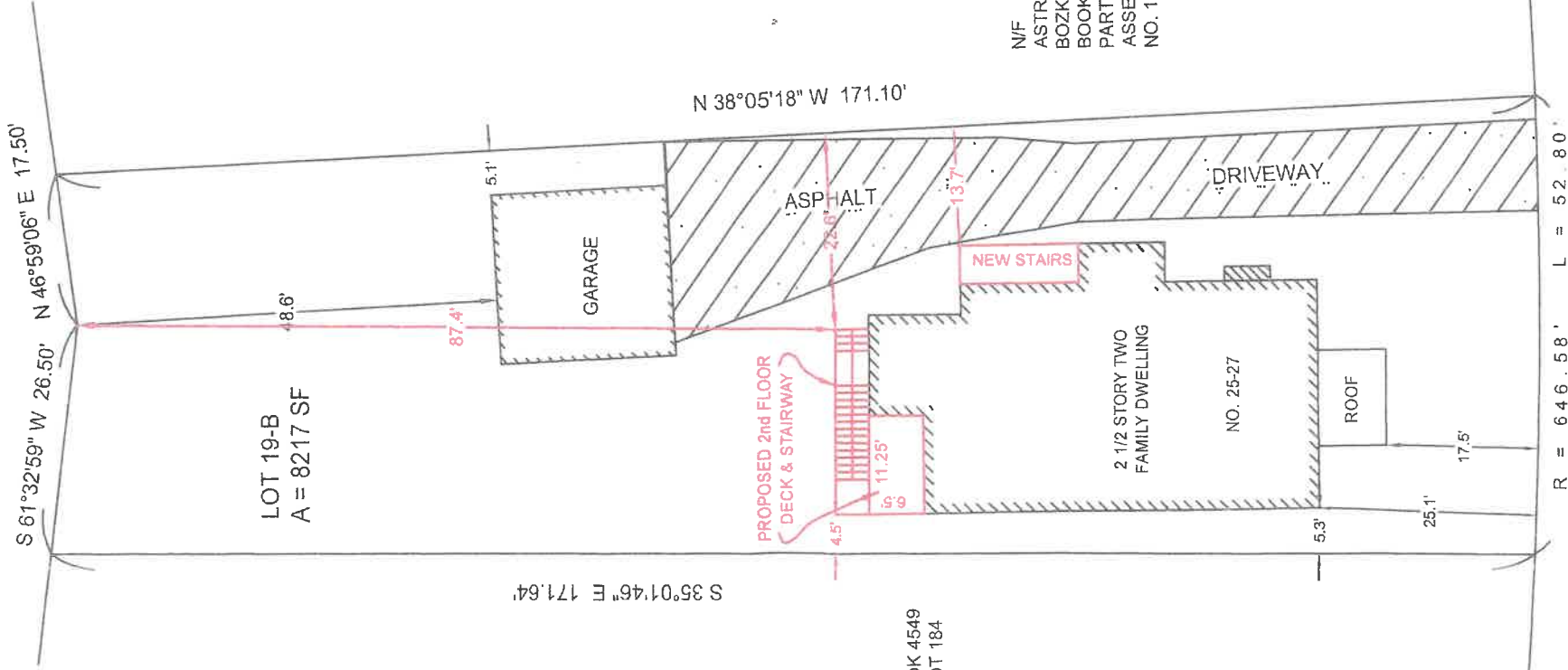
| | REQUIRED | EXISTING | PROPOSED |
|-----------------------|-----------------------|----------|----------|
| Lot Area | 5000 sf | 8217 sf | 8217 sf |
| Lot Frontage | 50 ft | 52.80' | 52.80' |
| Floor Area Ratio | N/A | N/A | N/A |
| Lot Coverage | 30% | 22.6% | 24.4% |
| Open Space | 40% | 62.1% | 60.3% |
| Front Setback | 20 ft | 17.5' | 17.5' |
| Side Setback | 10 ft | 4.5' | 4.5' |
| Side Setback , | 10 ft | 14.2' | 13.7' |
| Rear Setback | 20 ft | 91.5' | 87.4' |
| Building Height | No Change To Existing | | |
| Stories | No Change To Existing | | |
| ½ Story Calculation | | | |
| No Change To Existing | | | |
| | | | |
| | | | |

| |
|---------------|
| NOTES: |
| |
| |
| |
| |

NOTES:

- 1.) This plan was prepared from an instrument survey
- 2.) Deed Reference: Book 79339 Page 83
- 3.) Plan Reference: End of Book 4549
- 4.) Zoning District: General Residence
- 5.) This property is not located within wetlands as shown on the Town of Belmont wetlands map.
- 6.) The subject property is located in Zone X, area of minimal flood hazard as shown on the Flood Insurance Rate Map for Community No. 250182, dated 6/4/2010.

N/F
ROY J. EPSTEIN TRUSTEE OF THE
ROY J. EPSTEIN MARITAL TRUST &
JOANNA EPSTEIN, TRUSTEE OF THE
JOANNA EPSTEIN MARITAL TRUST
BOOK 74529 PAGE 207
LOT 25 - END OF BOOK 3326
ASSESSORS MAP 6 LOT 229
NO. 34 CUSHING AVENUE



N/F
RHMB, LLC
BOOK 71332 PAGE 161
LOT 19-A END OF BOOK 4549
ASSESSORS MAP 6 LOT 184
NO. 31 PAYSON ROAD

N/F
ASTRID BOZKURTIAN, TRUSTEE OF THE
BOZKURTIAN FAMILY LIVING TRUST
BOOK 29013 PAGE 99
PART OF LOT 20 - END OF BOOK 4023
ASSESSORS MAP 6 LOT 182
NO. 19-21 PAYSON ROAD



PREPARED BY:
D & A Survey Associates, Inc.,
P.O. Box 621
Medford, MA 02155
781-324-9566

PAYSON ROAD

(PUBLIC - 50.00' WIDE)

R = 646.58' L = 52.80'

ZONING DISTRICT:

FRONT SETBACK
SIDE SETBACK (L)
SIDE SETBACK (R)
REAR SETBACK
MAX LOT COVERAGE
MIN OPEN SPACE
MIN LOT FRONTAGE
LOT AREA

GENERAL RESIDENCE

| REQ. | EXIST. | PROP. |
|--------|--------|--------|
| 20' | 17.5' | 17.5' |
| 10' | 4.5' | 4.5' |
| 10' | 14.2' | 13.7' |
| 20' | 91.5' | 87.4' |
| 30% | 22.6% | 24.4% |
| 40% | 62.1% | 60.3% |
| 50' | 52.80' | 52.80' |
| 5000SF | 8217SF | 8217F |

CERTIFIED PLOT PLAN

Owner: Amir R Anbardar & Atena Yousefi
25-27 Payson Road
Assessors: Map 6 Lot 183
Application No:
Date: July 6, 2022
Scale: 1" = 20'

RENOVATION CONSTRUCTION
25 PAYSON ROAD, BELMONT, MA.

INDEX

1. BASEMENT FLOOR PLAN
2. FIRST FLOOR PLAN
3. SECOND FLOOR PLAN
4. ATTIC PLAN
5. ELEVATION VIEWS
6. ELEVATION VIEWS
7. FRAMING
8. ROOF REINFORCEMENT

PAGE

- A-1
A-2
A-3
A-4
A-3
A-4
S-1
S-2

LEGEND

- SD SMOKE DETECTOR
CD CARBON MONOXIDE/SMOKE COMBO DETECTOR
DEMOLITION WALL
EXISTING WALL
PARTY WALL (PROVIDE 5/8" SHEET ROCK ON BOTH SIDES)
NEW WALL CONSTRUCTION
BATHROOM EXHAUST VENT

GENERAL NOTES:

1. THE CONTRACTOR OR OWNER IS RESPONSIBLE FOR OBTAINING AND PAYING FOR ALL PERMITS REQUIRED FOR THIS PROJECT.
2. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE COMMONWEALTH OF CURRENT MASSACHUSETTS STATE BUILDING CODE AND OTHER APPLICABLE CODES.
3. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR MEANS, METHODS, TECHNIQUES, SEQUENCING, SCHEDULING AND SAFETY FOR THIS PROJECT.
4. DIMENSIONS ARE NOT GUARANTEE, THE CONTRACTOR SHOULD VERIFY ALL DRAWING DIMENSIONS BEFORE PERFORM WORK.
5. THE CONTRACTOR SHALL WARRANTEE HIS WORK FOR A PERIOD OF ONE YEAR FROM THE DATE OF FINAL COMPLETION.
6. THE CONTRACTOR SHALL REPORT ANY DISCREPANCIES BETWEEN DRAWINGS SPECIFICATIONS OR FIELD CONDITIONS TO T DESIGN IMMEDIATELY.
7. CONCRETE AND REBARS STRENGTH SHALL HAVE MINIMUM OF 3,000 PSI AND 60,000 PSI RESPECTIVELY
8. ALL WINDOWS AND DOORS MUST HAVE U FACTOR = 0.3 MINIMUM.

BASEMENT HABITABLE AREA NATURAL LIGHT & VENTILATION
CALCULATIONS

LIVING AREA

TOTAL AREA = 661 ± SQ.FT.

(IBC 2015 1205.2) REQUIRED 8% NATURAL LIGHT = 52.88± SF

PROP. CASEMENT WINDOWS=
4'-0" x 2'-8" = 10.67± SQ.FT.
BASEMENT WINDOW = 12 SF.

TOTAL GLASS = 22.67± SQ.FT.
22.67± SQ.FT < 52.88± SQ.FT. = NO GOOD

(IBC 2015 1203.5) REQUIRED 4% NATURAL VENTILATION = 26.44± SF

TOTAL OPENING = 22.67± SQ.FT.
22.67± SF > 26.44± SF = OK

ATTIC HABITABLE AREA NATURAL LIGHT & VENTILATION
CALCULATIONS

LIVING AREA

TOTAL AREA = 500 ± SQ.FT.

(IBC 2015 1205.2) REQUIRED 8% NATURAL LIGHT = 40± SF

WINDOWS= 42.67 SF.
SKYLIGHT = 18 SF.
TOTAL GLASS = 60.67± SQ.FT.
60.67± SQ.FT < 40± SQ.FT. (OK)

(IBC 2015 1203.5) REQUIRED 4% NATURAL VENTILATION = 20± SF

TOTAL OPENING = 40.67± SQ.FT.
40.67± SF > 20.0± SF = (OK)

SUPPLEMENTAL
PERMIT SUBMISSION
07-15-22
EXT STAIR CHANGES

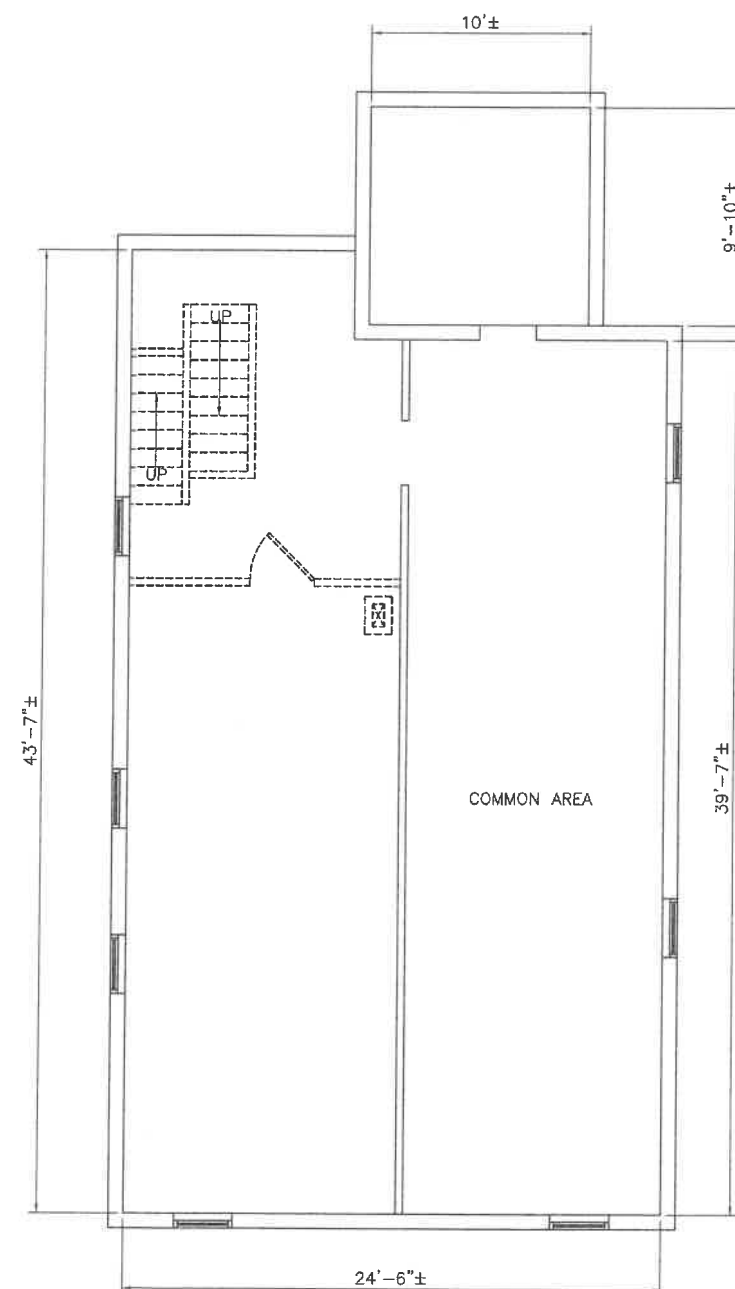
RENOVATION CONSTRUCTION
25 PAYSON ROAD
BELMONT, MA.

T DESIGN, LLC

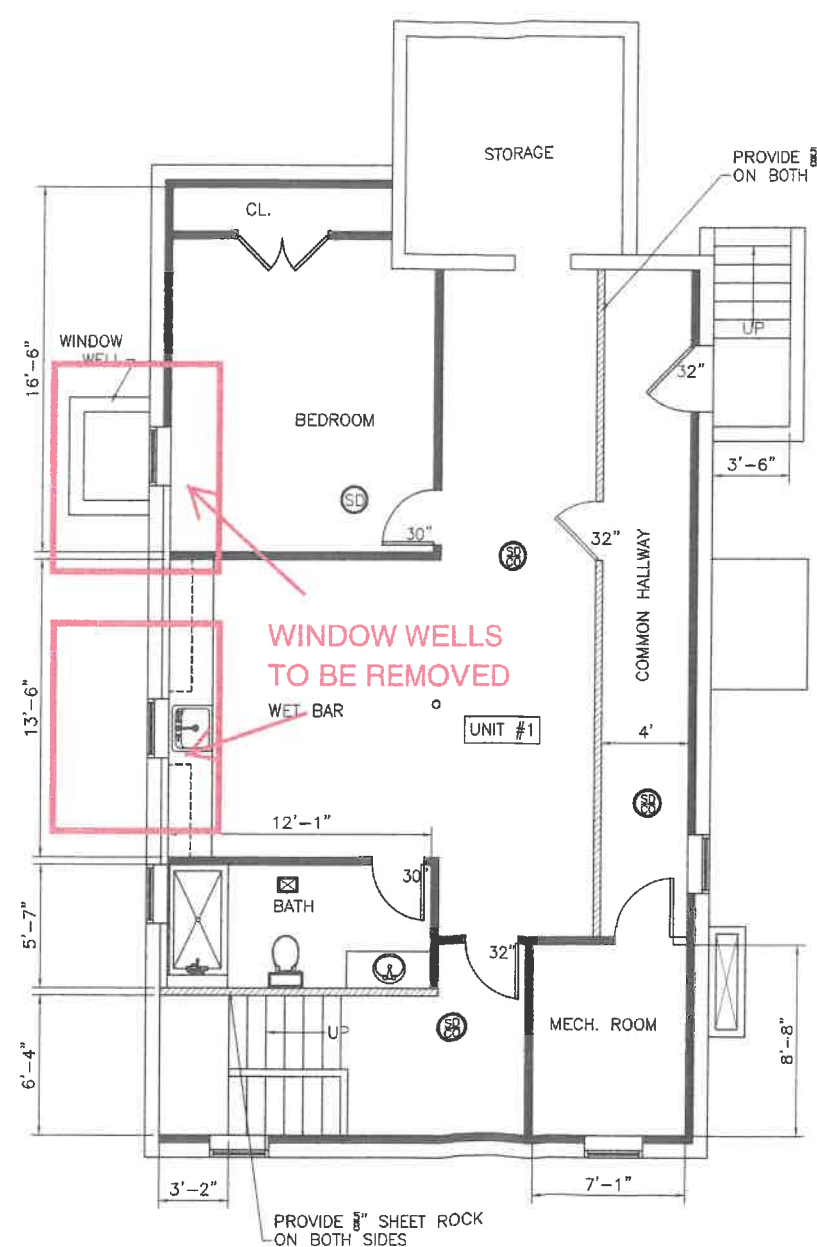
1248 RANDOLPH AVE
MILTON, MA 02186
TEL: (617)-797-6837
EMAIL: QUOCTUANPE@GMAIL.COM



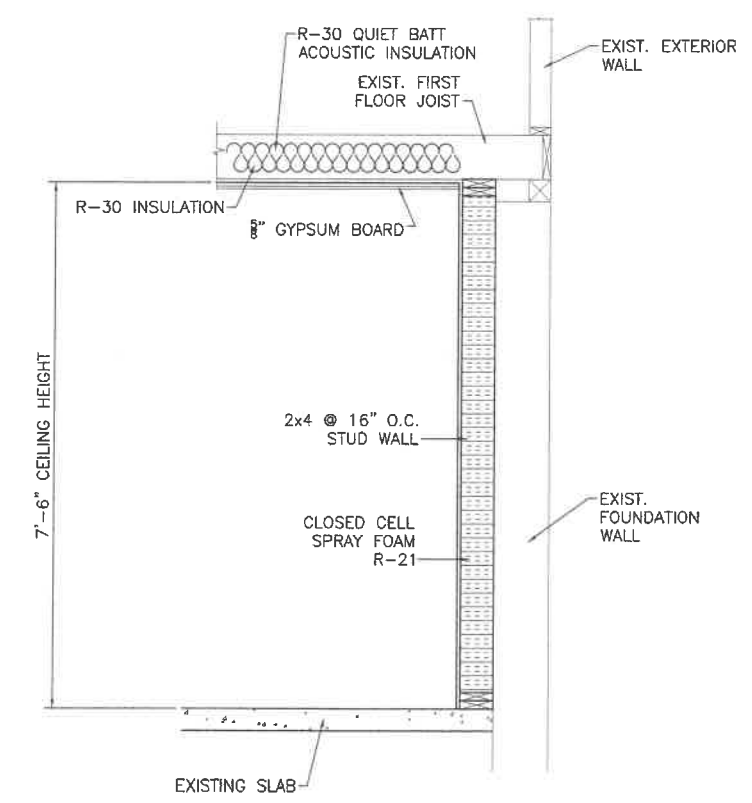
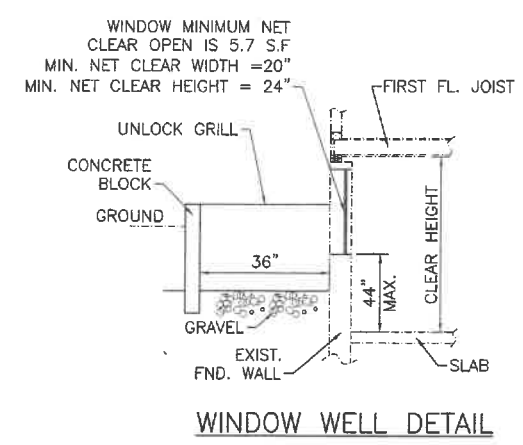
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EXISTING BASEMENT PLAN
SCALE: 1/4" = 1'-0"



PROPOSED BASEMENT PLAN
SCALE: 1/4" = 1'-0"



BASEMENT CROSS SECTION

**SUPPLEMENTAL
PERMIT SUBMISSION
07-15-22
EXT STAIR CHANGES**

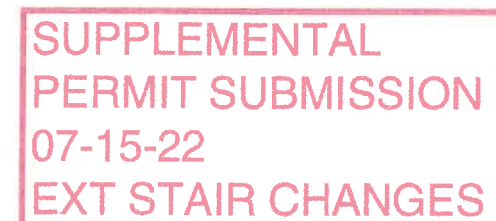
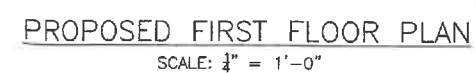
RENOVATION CONSTRUCTION
25 PAYSON ROAD
BELMONT, MA.

T DESIGN, LLC

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TEL: (617)-797-6637
EMAIL: QUOCTUANPE@GMAIL.COM



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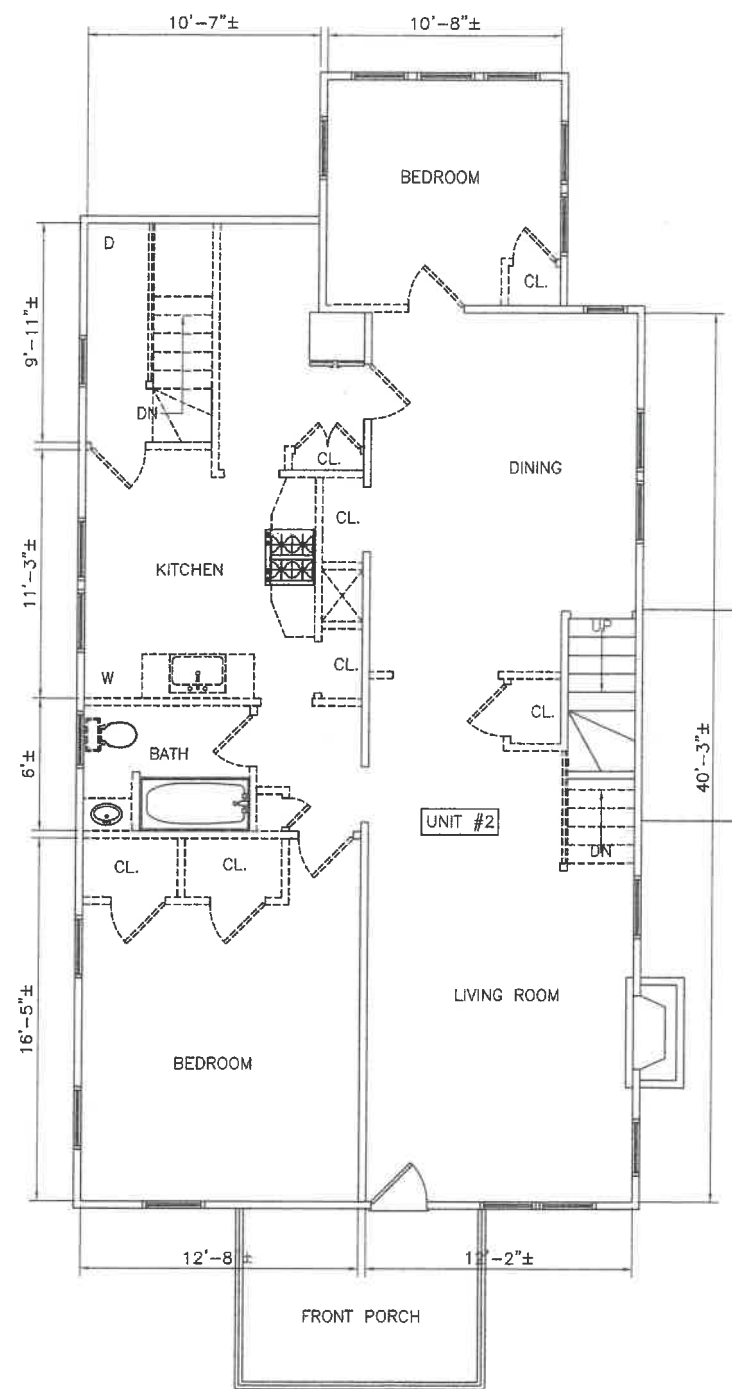
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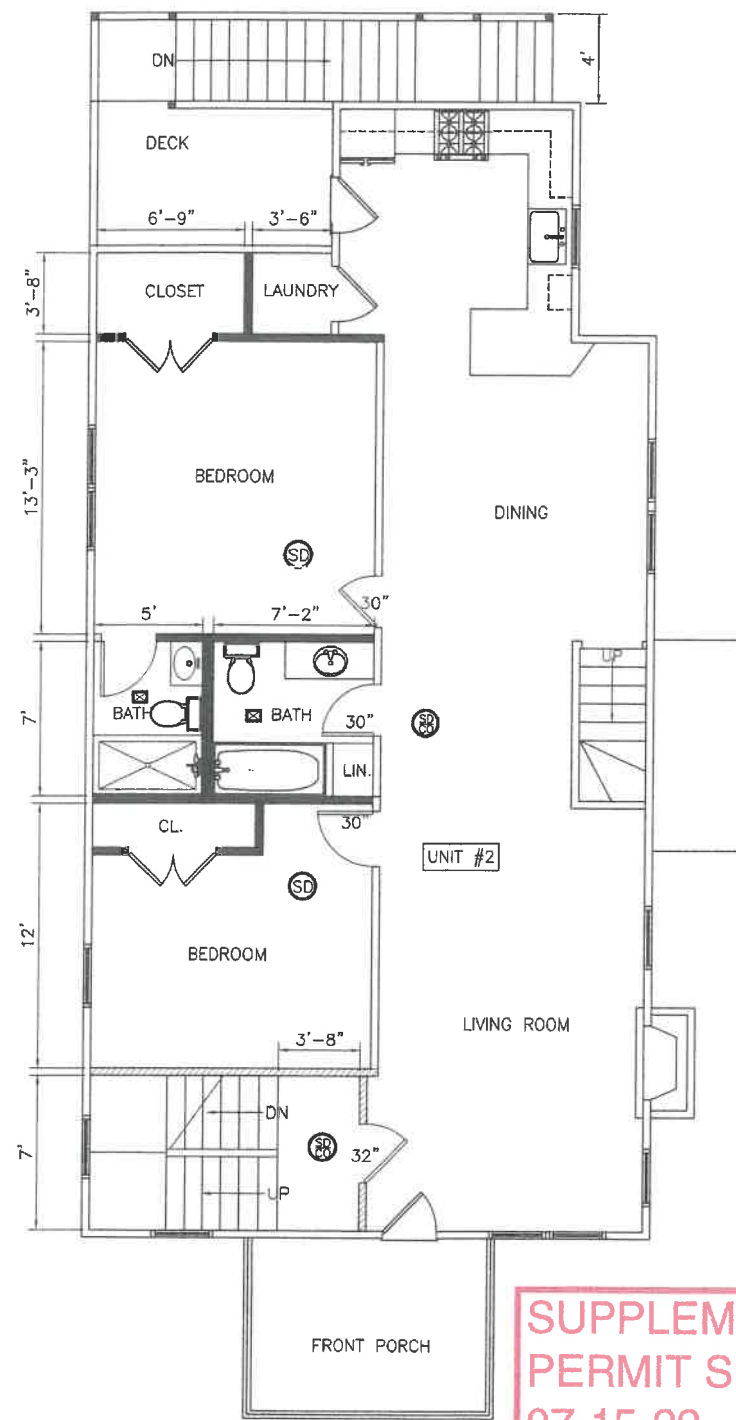
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TEL: (617)-797-6637
EMAIL: QUOCTUANPE@GMAIL.COM



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EXISTING SECOND FLOOR PLAN
SCALE: $\frac{1}{4}" = 1'-0"$



PROPOSED SECOND FLOOR
SCALE: $\frac{1}{4}" = 1'-0"$

**SUPPLEMENTAL
PERMIT SUBMISSION
07-15-22
EXT STAIR CHANGES**

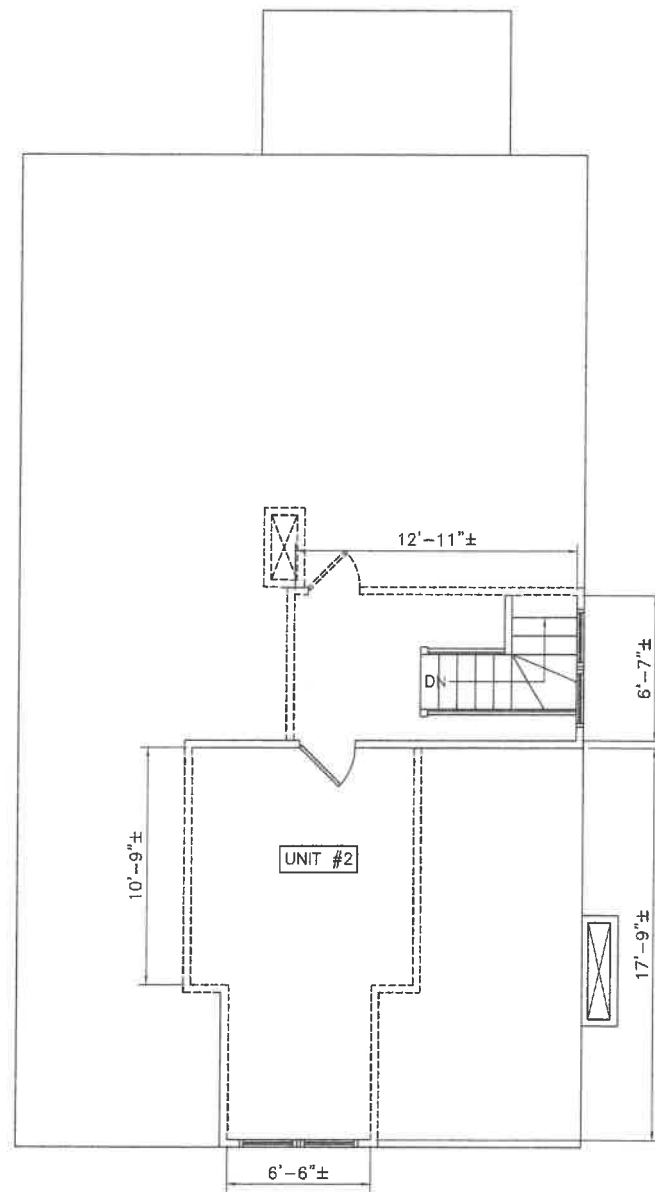
**RENOVATION CONSTRUCTION
25 PAYSON ROAD
BELMONT, MA.**

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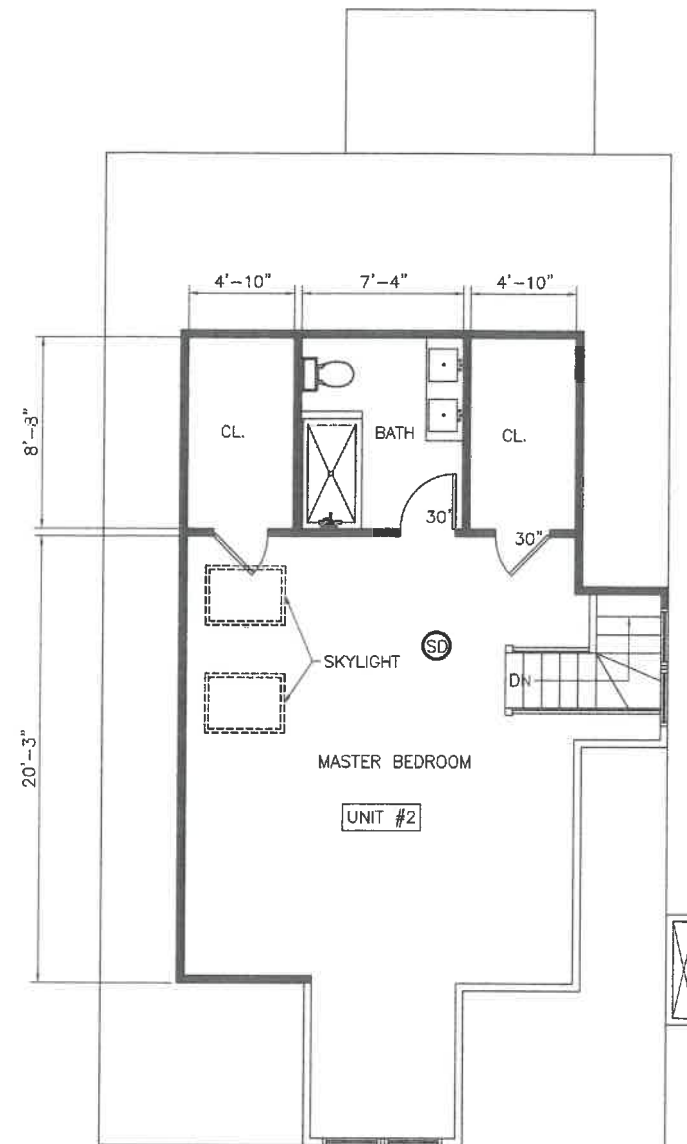
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EXISTING ATTIC PLAN
SCALE: $\frac{1}{4}" = 1'-0"$



PROPOSED ATTIC PLAN
SCALE: $\frac{1}{4}" = 1'-0"$

SUPPLEMENTAL
PERMIT SUBMISSION
07-15-22
EXT STAIR CHANGES

RENOVATION CONSTRUCTION
25 PAYSON ROAD
BELMONT, MA.

T DESIGN, LLC

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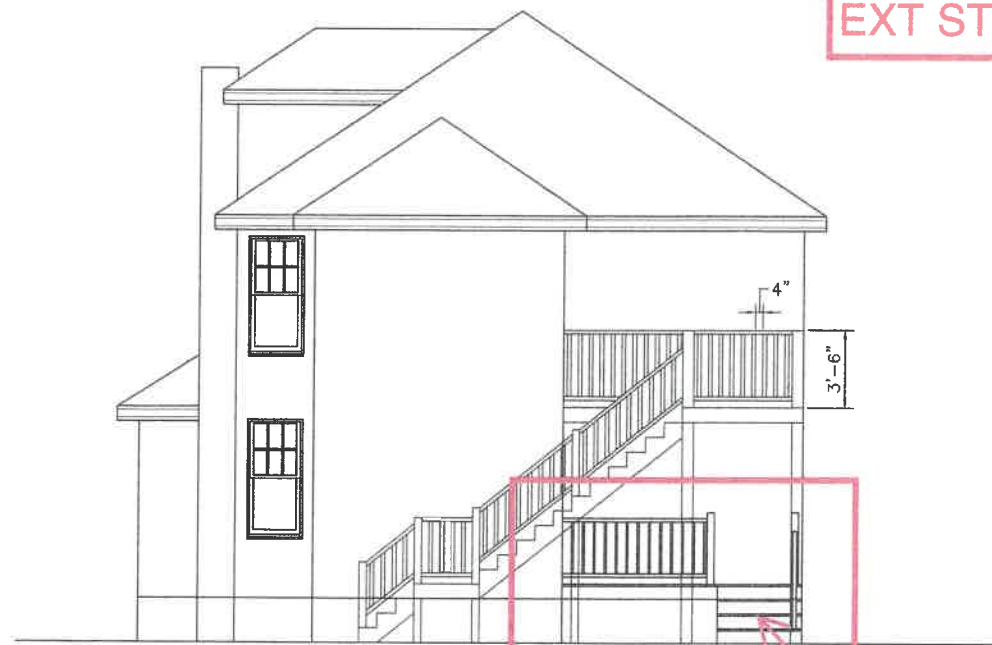


EXISTING REAR ELEVATION VIEW
SCALE: 1/4" = 1'-0"



EXISTING LEFT ELEVATION VIEW
SCALE: 1/4" = 1'-0"

SUPPLEMENTAL
PERMIT SUBMISSION
07-15-22
EXT STAIR CHANGES



PROPOSED REAR ELEVATION VIEW
SCALE: 1/4" = 1'-0"

RELOCATE STEPS TO
GRADE TO LEFT FOR NEW
EGRESS WINDOW WELL



PROPOSED LEFT ELEVATION VIEW
SCALE: 1/4" = 1'-0"

RENOVATION CONSTRUCTION
25 PAYSON ROAD
BELMONT, MA.

T DESIGN, LLC

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