

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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CASE NO.	23-31
APPLICANTS	George Hu
PROPERTY	7 Trapelo Road
DATE OF PUBLIC HEARING	December 4, 2023
MEMBERS SITTING	Casey Williams, Chair Andrew Kelly, Vice Chair Elliot Daniels Teresa McNutt David Stiff Daniel Barry, Associate Member Alexandra Danahy, Associate Member
MEMBERS VOTING	Casey Williams, Chair Andrew Kelly, Vice Chair Elliot Daniels Teresa McNutt David Stiff

Introduction

This matter came before the Board of Appeals (the “Board”) of the Town of Belmont (the “Town”) acting as Special Permit Granting Authority under the Zoning By-Law of the Town of Belmont, Massachusetts (the “By-Law”) and Chapter 40A of the Massachusetts General Law (the “Zoning Act”). The applicant, George Hu (the “Applicant”) requested an Administrative Appeal under Massachusetts General Law c. 40A, § 8. to appeal the Inspector of Buildings interpretation of the definition of “family” and “Accessory Use” regarding the rental property Mr. Hu owns at 7 Trapelo Road located in a Single Residence C (SR-C) Zoning District. “Family” and “Accessory Use” are defined in §1.4 of the Belmont Zoning Bylaw.

Proposal

The Board held a duly noticed hearing on the application on December 4, 2023. The Applicant submitted a letter of explanation and a copy of the existing tenant lease for the Board’s review. No letters of support or opposition were submitted as part of this case.

The Applicant noted that he is the owner of 7 Trapelo Road and plans to rent the second 5-bedroom unit to four people. Mr. Hu does not reside at this address. Mr. Hu argues that under §1.4 of the By-laws the definition of a “family” allows him to rent to four unrelated individuals on one lease. Mr. Hu confirmed that his proposed tenants are not related to each other and will not be guarantors for each other as part of the lease agreement.

Mr. Yogurtian presented his understanding of the by-laws. Since Mr Hu is renting individual rooms at 7 Trapelo Road, Mr. Yogurtian considers this use Lodging and Boarding as an accessory use of

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Address: 7 Trapelo Road

the property. Since Mr. Hu does not live at 7 Trapelo Road, Mr. Hu cannot rent more than three rooms per §1.4 of the By-Law definition of “Lodging and Boarding”.

No one spoke in favor or opposition to the case.

Decision

The Board found that the §1.4 of the By-Law definition of “Lodging and Boarding” allows for up to three rooms to be rented when the dwelling is not owner occupied. The lease provided by Mr. Hu indicates that three rooms are rented to individuals who may not be considered a “family” according to §1.4 of the By-Law definition of “family” and renting a fourth room is not allowed by the By-Laws.

Accordingly, upon motion duly made by Casey Williams, and seconded by David Stiff, the Board voted 5-0 to dismiss Mr. Hu’s request for Administrative Appeal under Massachusetts General Law c. 40A, § 8. to appeal the Inspector of Buildings interpretation of the definition of “family” and “Accessory Use” regarding the rental property Mr. Hu owns at 7 Trapelo Road located in a Single Residence C (SR-C) Zoning District.

For the Board,

Dated: January 8, 2024

A handwritten signature in black ink, appearing to read 'Ara Yogurtian', written over a horizontal line.

Ara Yogurtian
Inspector of Buildings
Office of Community Development