

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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CASE NO. 22-24

APPLICANT: Audrey Miller and Robert Kuehn

PROPERTY: 1-3 Chester Road

DATE OF PUBLIC HEARING: October 3, 2022

MEMBERS SSITTING: Nick Iannuzzi, Chair
Jim Zarkadas, Vice Chair
Casey Williams
Andrew Kelley
Teresa MacNutt
Elliott Daniels, Associate Member

MEMBERS VOTING: Nick Iannuzzi, Chair
Jim Zarkadas, Vice Chair
Casey Williams
Andrew Kelley
Teresa MacNutt

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 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, Audrey Miller and Robert Kuehn, (“Applicant”) seeks Three (3) Special Permits under Section §1.5 of the Zoning By-Law to construct a deck over the covered entrance at 1-3 Chester Road located in a General Residence (GR) Zoning District. The Applicant sought the following special permits:

1. Under §1.5.4A of the Zoning Bylaws to allow alteration and expansion in a GR zoning district by a Special Permit granted by the Board of Appeals.
2. Under §4.2.2 of the Bylaw requires a minimum front setback of 20.0’, the existing and proposed front setback is 12.2’.
3. Under §4.2.2 of the Bylaw requires a minimum side setback of 10.0’, the existing and proposed side setback is 9.6’.

Proposal

The Board held a duly noticed hearing on the application on October 3, 2022. The Applicant had submitted for the Board’s review architectural drawings dated July 8, 2022 prepared by YGS Design & Development LLC, a plot plan dated April 29, 2022 prepared by George C. Collins, a zoning compliance check list dated July 28, 2022 prepared by George C. Collins, and photos of the property.

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The Applicant also submitted one petition of support containing the signatures of eight neighbors and one letter of support.

The applicant, Audrey Miller, made the presentation to the Board. Ms. Miller explained presently a door from her second story leads to the roof above the front entranceway to her home. The applicant proposes transforming the roof above the front entranceway into a second story deck by installing decking to protect the roof. The applicant would also like to install a railing to enhance safety, as was requested by her insurance company.

At the hearing no member of the public spoke in support or opposition to the application.

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."

The Board found that the proposed decks is not more detrimental to the neighborhood and is in keeping with the character of other houses in the vicinity.

Accordingly, upon motion duly made by Teresa MacNutt and seconded by Chair Nicholas Iannuzzi, the Board voted 5-0 to grant the Applicant the Special Permits as requested.

Dated: January 3, 2023



Gabriel S. Distler

Staff Planner

Office of Community Development