

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

RECEIVED
TOWN CLERK
BELMONT, MA

Case No. 22-26

Applicant: Amir R Anbardar

Property: 25-27 Payson Road

Date of Public Hearings: October 3, 2022 and November 7, 2022

Members Sitting: Nicholas Iannuzzi Jr., Chair
Demetrios (Jim) Zarkadas, Vice Chair
Casey Williams
Andrew Kelley
David Stiff, Associate Member

Members Voting: Nicholas Iannuzzi
Jim Zarkadas
Casey Williams
Andrew Kelley
David Stiff

2022 NOV 23 PM 2:21

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 “Zoning By-Laws”) and Chapter 40A of the Massachusetts General Law (the “Zoning Act”). The applicant, Amir R Anbardar (the “Applicant”) sought two (2) Special Permits under Section 1.5 of the Zoning Bylaw to construct a second-floor rear deck and, initially, an exterior staircase to a home located in the General Residence (GR) Zoning District. **Special Permit 1:** §1.5.4A of the Zoning Bylaws allows alteration and expansion in the GR district by a special permit. **Special Permit 2:** §4.2.2 of the Zoning Bylaws requires a minimum side setback of 10.0’. The existing side setback is 4.5’ and the proposed side setback is also 4.5’.

The Board held a duly noticed hearing on the application on October 3, 2022 and November 7, 2022.

Proposal

The Applicant proposed to add a second (2nd) floor rear deck, above an existing first (1st) floor rear deck, to Applicant’s home. Initially in connection with that second (2nd) floor rear deck, Applicant proposed to include external stairs from the rear deck down to the ground level. This request was later revised, as noted below.

The Applicant submitted for the Board’s review: (a) Certified Plot Plan prepared by D&A Survey Associated dated July 6, 2022, (b) architectural drawings prepared by T Design LLC dated January 24, 2022, (c) an “Updated For Zoning Board” architectural drawing by Copper Beach Design dated October 5, 2022 (d) a document entitled “ZBA Relief Request Supporting Information”, (e) a document entitled “ZBA Relief Request Supporting Information –

Case # 22-26

Address: 25-27 Payson Road

RESUBMISSION UPDATES”, (f) a Zoning Compliance Checklist dated August 31, 2022, and (g) various photos of the existing conditions. The applicant submitted two letters of support from neighbors prior to the October 3, 2022 Meeting.

The Applicant, represented by Tom Timko of Copper Beach Design (the “Architect”), presented the proposal at duly noticed public hearings on October 3, 2022 and November 7, 2022. At the October 3, 2022 meeting, the Board expressed concern over the exposed exterior staircase that applicant proposed. The Applicant requested and received a continuance to the November 7, 2022 meeting. The Applicant submitted a revised proposal prior to the November 7, 2022 meeting, in which the exposed external staircase had been relocated to a new, enclosed staircase.

No one other than Mr. Timko spoke in support or in opposition to the application at either the October 3, 2022 or November 7, 2022 meetings.

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 considered Applicant’s revised proposal and deliberated on November 7, 2022. During deliberations the Board discussed the applicant’s revised request for two (2) Special Permits. The Board found that the proposed second story rear deck does not substantially increase the non-conforming nature of the structure or create a new nonconformity. The Board also concluded that the proposed alteration is not substantially more detrimental to the neighborhood than the existing non-conforming structure, and that the proposed alteration is in keeping with the character of the neighborhood in which the property is located.

Accordingly, upon motion duly made by Casey Williams and seconded by Nicholas Iannuzzi, the Board voted 5-0 to grant the Two Special Permits as requested.

For the Board,

Dated: November 23, 2022



Gabriel S. Distler
Staff Planner
Office of Community Development