



Town of Belmont
Zoning Board of Appeals

APPLICATION FOR A VARIANCE

Date: 9/16/2018

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


To Whom It May Concern:

Pursuant to the provisions of the Massachusetts General Laws, Chapter 40A, Section 10, as amended, I/we, the undersigned, being the owner(s) of a certain parcel of land (with the buildings thereon) situated on 214 Waverley Street/Road, petition your Board to vary the terms of the Zoning By-Laws of the Town insofar as the same applies to the proposed erection of a shed, in accordance with the plan attached hereto, on the ground that (submit a written statement addressing each of these criteria):

1. Owing to circumstances relating to soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the Zoning District in which it is located, a literal enforcement of the Provisions of this By-Law would involve substantial hardship, financial or otherwise, to the petitioner;
2. Desirable relief may be granted without substantial detriment to the public good, (i.e., surrounding neighborhood), and;
3. Without nullifying or substantially derogating from the intent and purpose of this By-Law.

The petitioner(s) seek permission to construct: (brief description and violation)

A shed for the storage of lawn mower, garden supplies, bicycles, etc. The proposed location violates the front setback of 20'.

Signature of Petitioner 

Print Name Liyang Diao

Address 214 Waverley St.
Belmont, MA 02478

Daytime Telephone Number 704-293-3156



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 8, 2018

Liyang Diao
210-214 Waverley Street
Belmont, MA 02478

RE: Denial to Construct a Tool Shed

Dear Ms. Liyang,

The Office of Community Development is in receipt of your building permit application for your proposal to to Construct a Tool Shed at 210-214 Waverley Street located in a General Residence (GR) Zoning District.

Your application has been denied because it does not comply with the current Town of Belmont Zoning Bylaws. More specifically, Section 4.3.5 c-2 of the Zoning Bylaws Accessory Buildings regulations which reads "If any part of the accessory building is forward of the rear line of the dwelling, the accessory building shall conform to the the front setback, side line and rear line requirements for a dwelling in the district in which the accessory building is located".

1. The required front setback of the tool shed is 20.0'. The proposed front setback of your tool shed is 6.0'.

You may alter your plans to conform to the current Town of Belmont Zoning Bylaws and resubmit an application, or you may request one (1) Variance from the Zoning Board of Appeals. If you choose this option, please contact the Office of Community Development to schedule an appointment with Ara Yogurtian, Assistant Director, at (617) 993-2650 in order to begin the process.

Sincerely,

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

Homeowner's statement

Liyang Diao and Michael Seiler

214 Waverley Street

Belmont, MA 02478

We, the owners of the top duplex at 210-214 Waverley Street, request a variance for the construction of an outdoor shed. The setback of the proposed location is 6' (20' required). Due to the lot shape of the property, there is a very limited amount of space where a shed can be constructed, and no other place to put the shed that does not obstruct the downstairs unit's (210 Waverley Street) windows.

Purpose

214 Waverley Street is the top duplex of a two-family unit, 210-214 Waverley Street. As the lower unit includes a converted basement, neither unit has basement storage, nor is there a garage or any any outdoor structures for keeping lawn equipment, gardening supplies, and bicycles, among other things. As we maintain both the common and exclusive use grounds of the property for both families, the addition of a shed would allow us to store such items.

Project Description

The shed measures 8' x 12', with roof shape, exterior style, windows, and colors selected to complement the existing primary structure at 210-214 Waverley Street. The height of the shed from the base to the topmost part of the roof is approximately 10' 3".

Reason for Variance Request

We are seeking to apply for a variance due to lot shape. The shape of the lot at 210-214 Waverley Street is unique in that it has three frontages, with the primary building of residence occupying nearly all of the area that satisfies the 20' setback requirement from all frontages.

The only location possible that would satisfy the 20' setback would place the shed directly in front of the lower residence's primary bedroom window on the ground floor, as well as obstruct lighting to the basement floor bedroom window (not visible from photos—windows are at ground level, obstructed from view in photos by fence height). Obstruction of these windows is undesirable to both families, especially as the obstructed lower level bedroom window is occupied by our neighbors' young child.

In some Massachusetts towns there are setback exceptions for corner lots. For example, in neighboring Watertown, bylaw 2.15 states:

On a corner lot the Front Yard setback requirement shall be applied to only one side of the corner lot property.

Similarly, in Amherst, bylaw 6.13 states:

On corner lots, where the included angle is less than 135 degrees, either street may be considered as the frontage street, but not both together.

New Bedford also has a similar bylaw. In our case, the lot shape is even more restricting as we have not two but three frontages, so there is no true side or rear. Thus, we are seeking some relief from the front setback requirement due to the unique shape of the lot.



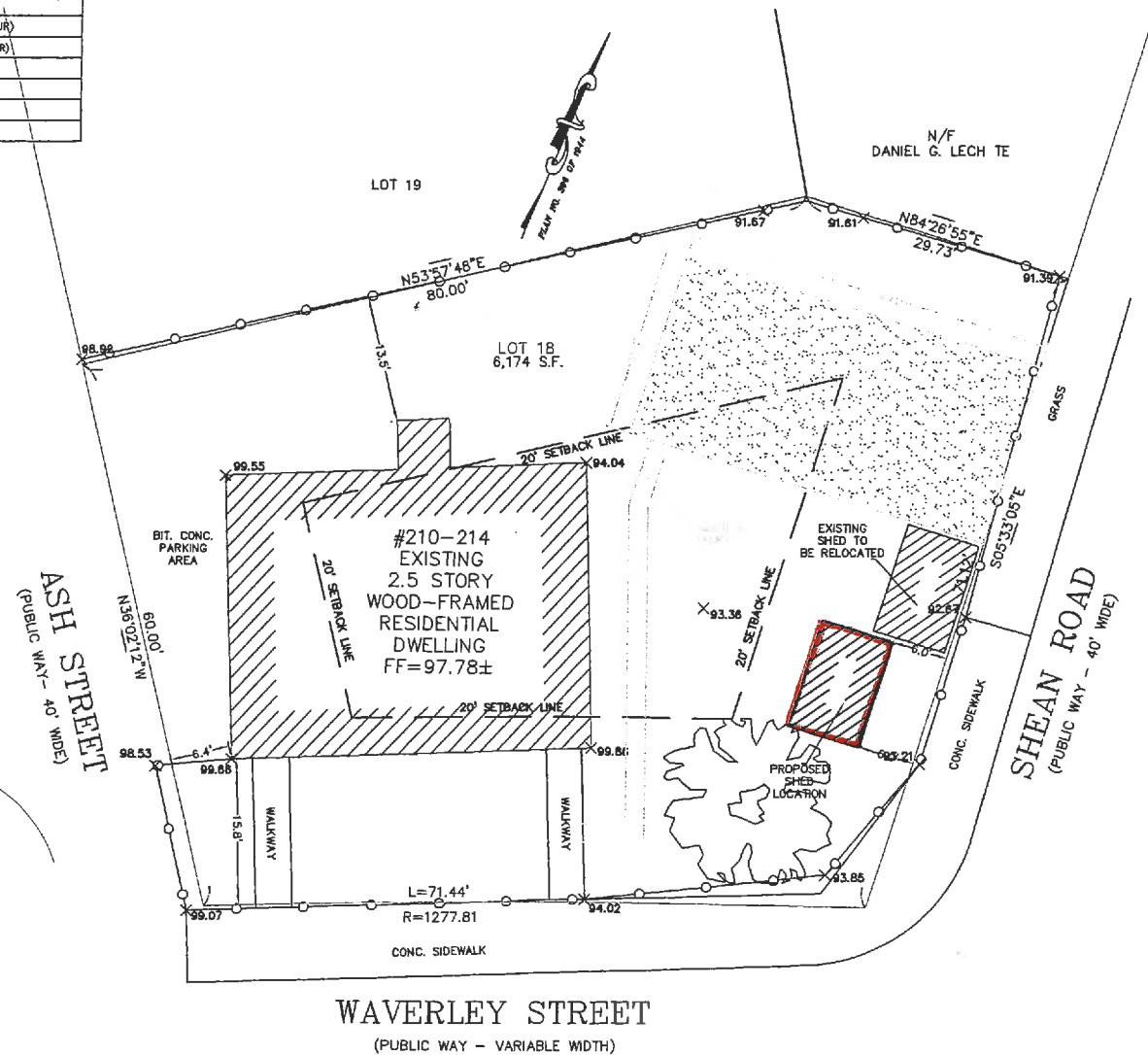
EXISTING LEGEND

	SEWER LINE
	SEWER MANHOLE
	WATER LINE
	GAS LINE
	UTILITY POLE
	GAS VALVE
	OVERHEAD ELECTRIC SERVICE
	WATER VALVE
	CATCH BASIN
	FENCE
	CONTOUR LINE (M/R)
	CONTOUR LINE (MNR)
	SPOT GRADE
	DRAIN MANHOLE
	HYDRANT
	TREE

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.



NOTES:

1. INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY PETER NOLAN & ASSOCIATES LLC ON 08-31-2017.
2. DEED REFERENCE: BOOK 8997 PAGE 588, MIDDLESEX SOUTH REGISTRY OF DEEDS
3. PLAN REFERENCES: PLAN NO 396 OF 1944, MIDDLESEX SOUTH COUNTY REGISTRY OF DEEDS
PLAN NO. 1330 OF 2003, MIDDLESEX SOUTH COUNTY REGISTRY OF DEEDS
PLAN NO. 2212 OF 1950, MIDDLESEX SOUTH COUNTY REGISTRY OF DEEDS
4. THIS PLAN IS NOT INTENDED TO BE RECORDED.
5. I CERTIFY THAT THE DWELLING SHOWN IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE X IN COMMUNITY NUMBER 2501B2, PANEL NUMBER 041B E, ON FLOOD HAZARD BOUNDARY MAP NUMBER 25017C041BE, JUNE 4, 2010.
6. ELEVATIONS SHOWN ARE ON AN ASSUMED DATUM.
7. ZONING DISTRICT = GENERAL RESIDENCE.

OPEN SPACE = 67.2%
LOT COVERAGE (BUILDINGS)=21.4%±
LOT COVERAGE (BUILDINGS & DRIVEWAY)=34.3%±

SCALE	1"=20'		
DATE	2/20/2018		
SHEET	210-214 WAVERLY STREET BELMONT MASSACHUSETTS PROPOSED PLAN		
PLAN NO.	1 OF 1		
CLIENT:			
DRAWN BY	PHM		
CHKD BY	PJN		
APPD BY	PJN		
REV	DATE	REVISION	BY
PETER NOLAN & ASSOCIATES LLC LAND SURVEYORS/CIVIL ENGINEERING CONSULTANTS 687 CAMBRIDGE STREET, SUITE 103 BRIGHTON MA 02135 PHONE: 857 891 7478/617 782 1535 FAX: 617 202 5691 EMAIL: pnolan@pnasurveyors.com			
SHEET NO.			

Zoning Compliance Check List (Registered Land Surveyor)

Property Address: 210-214 Waverly Street – Belmont, MA **Zone:** General Residence

Surveyor Signature and Stamp:

Date: 07/11/2018

	REQUIRED	EXISTING	PROPOSED
Lot Area	5,000 S.F.	6,174 S.F.	6,174 S.F.
Lot Frontage	50.0'	202.56'	202.56'
Floor Area Ratio	-	-	-
Lot Coverage	30%	21.4%	34.3%
Open Space	40%	67.2%	67.2%
Front Setback	20'	6.4'	6.4'
Side Setback	10'	-	-
Side Setback	10'	-	-
Rear Setback	20'	13.5'	13.5'
Building Height	33'	33'+/-	33'+/-
Stories	2.5	2.5	2.5
½ Story Calculation			

NOTES: