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**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

2022 JUN 13 PM 12: 03

Case No. 22-10

Applicant: Hua Ye

Property: 3 Westlund Road

Date of Public Hearing: May 5, 2022

Members Sitting: Nick Iannuzzi, Chairman
James Zarkadas, Vice Chair
Casey Williams
Andrew Kelley
Teresa MacNutt
Elliot Daniels, Associate Member
David Stiff, Associate Member

Members Voting: James Zarkadas, Vice Chair
Casey Williams
Andrew Kelley
Teresa MacNutt
David Stiff, Associate Member

Introduction

This matter came before the Board of Appeals (the "Board") of the Town of Belmont (the "Town") Acting as Variance and Special Permit Granting Authority under the Zoning By-Law of the Town Belmont, Massachusetts (the "By-Law") and Chapter 40A of the Massachusetts General Law (the "Zoning Act"). The applicant Hua Ye ("Applicant"), seeks Two (2) Special Permits under §1.5 of the Belmont Zoning-By- Laws to construct a second story addition at 3 Westlund Road located in a Single Residence C (SRC) zoning district. §4.2 of the Zoning By-Law Dimensional Regulations require a minimum front setback of 22.8' on the south side, the existing and proposed front setback on the south side is 20.1'. 2.- the required front setback on the east side is 23.4', the existing and proposed front setback on the east side is 21.5'.

The Board held a duly noticed hearing on the application on May 5, 2022.

Proposal

The Applicant proposes to construct a second story addition similar to a dormer to add a living space for a bedroom.

The applicant submitted to the Board's review plans prepared by KVS Design dated September 20, 2021, a plot plan and zoning checklist dated march 17, 2022.

The applicant also had submitted eleven signatures from neighbors in support of the application.

Mr. Ye and Ms. Leighton made the presentation to the Board. They explained that the proposed addition is for bedrooms for their 9 year and 11 year old children.

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Board members considered the proposed a modest addition and in harmony with the other homes in the neighborhood. No other comments were made by the Board members or the public. No one spoke in favor or in opposition to the proposed project.

Decision

MGL 40A §6 provides in 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.”

In the present case, the Board did not find the proposed second story addition to be substantially more detrimental. The Board found that the proposed does not increase the nonconforming nature of the structure or create a new nonconformity. The proposed will be consistent in style and is in keeping with the character of the neighborhood in which it is located.

Accordingly, upon motion duly made by Teresa MacNutt and seconded by Andrew Kelley, the Board voted 5-0 to grant the Two (2) special permits as requested.

For the Board,

Date: June 13, 2022



Ara Yogurtian
Assistant Director
Office of Community Development

Any appeal from this decision must be made pursuant to Ch.40A, S.17, MGL, and must be filed within 20 days after the filing of such notice in the office of the Town Clerk.