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**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

CASE NO. 23-12

APPLICANTS Lance and Nicole Lavoie

PROPERTY 59 Selwyn Road

DATE OF PUBLIC HEARING May 2, 2023

MEMBERS SITTING Nicholas Iannuzzi Jr., Chair
Casey Williams
Teresa McNutt
Andrew Kelley
Elliot Daniels, Associate Member

MEMBERS VOTING Nicholas Iannuzzi Jr., Chair
Casey Williams
Teresa McNutt
Andrew Kelley
Elliot Daniels, Associate Member

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 applicants, Lance and Nicole Lavoie (the “Applicants”) sought one (1) Special Permit under Section 1.5 of the Zoning Bylaw to construct a second story addition above an existing sunroom in a property located in a Single Residence C Zoning District. Special Permit,

1. §4.2.2 of the Zoning Bylaws requires a minimum side setback of 10.0’. The existing and proposed side setback is 9.1’.

Proposal

The Board held a duly noticed hearing on the application on May 2, 2023. The Applicants submitted for the Board’s review architectural drawings, dated January 19, 2023, prepared by AFAB Enterprises; a plot plan, dated September 15, 2022, prepared by surveyor Scott C. Lynch; a Zoning Checklist, dated September 15, 2022, prepared by surveyor Scott C. Lynch; ceiling height and basement/cellar calculations, dated September 15, 2022, prepared by surveyor Scott C. Lynch; and photos and drawings of the house. No letters of support or opposition were submitted as part of this case.

The Applicants describe that the existing house is two-stories with a first story bump out that into the required 10-foot side setback. The applicants propose to add a second story addition above the existing bump out in order to accommodate an additional bathroom. The applicants do

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not propose to extend further into the side setback. The applicants do not plan to remove the existing chimney and instead plan to leave it exposed in the proposed bathroom.

At the hearing no one other than Applicant spoke in support or in 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 addition is not substantially more detrimental to the neighborhood than the existing non-conforming structure, and that the proposed alterations are in keeping with the character of the neighborhood in which the property is located.

Accordingly, upon motion duly made by Nicholas Iannuzzi Jr., and seconded by Andrew Kelley, the Board voted 5-0 to grant the One (1) Special Permit as requested.

For the Board,

Dated: July 18, 2023



Gabriel S. Distler,
Staff Planner
Office of Community Development