

**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

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Case No. 22-21

Applicants: Williams Weinstein

Property: 17 Concord Avenue

Date of Public Hearing: September 12, 2022

Members Sitting: Nicholas Iannuzzi, Chair  
Casey Williams  
Andrew Kelley  
Elliot Daniels, Associate Member  
David Stiff, Associate Member

Members Voting: Nicholas Iannuzzi  
Casey Williams  
Andrew Kelley  
Elliot Daniels  
David Stiff

**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 of Belmont, Massachusetts (“By-Law”) and Chapter 40A of the Massachusetts General Law (“Zoning Act”). The Applicant, Mr. William Weinstein (“Applicant”), requests three (3) Special Permits under Section 1.5 of the Zoning By-Laws to construct a two-story rear addition at 17 Concord Avenue located in a General Residence (GR) Zoning District. In connection with this, the Applicant sought the following special permits:

1. Under §1.5.3A of the Zoning Bylaws to allow alteration or expansion in a GR zoning district by Special Permit from the Zoning Board of Appeals.
2. Under §4.2 of the Bylaws to allow an existing and proposed lot coverage is 33.6%, where the maximum lot coverage is 30%, the existing and proposed lot coverage is 33.6%
3. Under §4.2 of the Bylaws to allow an existing and proposed side setback is 3.9’, where the minimum side setback is 10’.

The Board held a duly noticed hearing on the application on September 12, 2022.

**Proposal**

The Applicant proposes to rebuild an existing two-story addition at the rear of the home and modify the footprint of the two-story addition.

The applicant submitted for the Board’s review plans prepared by Miller Design, LLC dated June 17, 2022; a plot plan prepared by Douglas L. Johnston dated May 23, 2022; a zoning compliance checklist prepared by Douglas L. Johnston dated May 23, 2022; and a petition in support signed by multiple neighbors.

Case # 22-19

Address: 29 Myrtle Street

The applicants' architect, Diane Miller, of Miller Design, LLC made the presentation to the Board. Ms. Miller describes the existing rear sunroom as being dilapidated and in need of being replaced. The applicant would like to replace the existing dilapidated sunroom with a slightly large rear addition, increasing gross floor area by a total of 107 square feet. The existing lot coverage and side setbacks will be maintained, while the rear setback will be reduced. The Board observed that the proposed addition is not substantially more detrimental to the neighborhood.

At the meeting, no one from the public spoke in favor or opposition to the proposed addition.

**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."

During deliberations the board discussed the applicant's request for Three (3) Special Permits and did not find the proposed addition to be substantially more detrimental.

**Accordingly, upon motion duly made by Casey Williams and seconded by Nick Iannuzzi, the Board voted 5-0 to grant the Applicant the requested Special Permit.**

For the Board,

Dated: November 21, 2022



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Gabriel S. Distler,  
Staff Planner  
Office of Community Development