

CASE NO. 26-04

NOTICE OF PUBLIC HEARING BY THE
ZONING BOARD OF APPEALS

ON APPLICATION FOR THREE SPECIAL PERMITS

Notice is hereby given that the Belmont Zoning Board of Appeals will hold a public hearing on Monday, March 2, 2026 at 7:00 PM by a hybrid public hearing at the Art Gallery on the third floor of the Homer Building, 19 Moore Street, and by remote access through the Zoom app. to consider the application of Christina Kritharas , owner, for three Special permits under section 1.5 of the By-law raise ridge height and construct a dormer at 38-40 Wiley Road, located in a General Residence (GR) zoning district. §1.5.4A of the By-Law allows alteration and expansions in the General Residence district by a Special Permit granted by the Board of Appeals. The proposed expansion is allowed by a Special Permit. §4.2 requires a minimum side setback of 10.0', the existing and proposed side setback is 5.6' and §4.2 allows 2.5 story structures, the existing and proposed structure is 3.5 stories due to more than 40% of the foundation walls are exposed.

ZONING BOARD OF APPEALS



OFFICE OF PLANNING & BUILDING
TOWN OF BELMONT
19 Moore Street
Homer Municipal Building
Belmont, Massachusetts 02478-0900

Building Division
(617) 993-2664
Planning Division
(617) 993-2666

Telephone: (617) 993-2650

February 5, 2026

Christina Kritharas
38-40 Wiley Road
Belmont MA 02478

RE: raise Ridge Height and Construct a Dormer

Dear Ms. Kritharas:

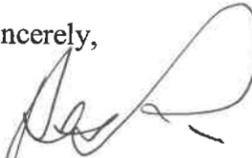
The Office of Planning and Building is in receipt of your building permit application to raise the ridge and construct a dormer at 38-40 Wiley Road located in a General Residence (GR) Zoning District.

Your application has been denied because it does not comply with the current Town of Belmont Zoning By-Law. More specifically, §1.5.4A of the By-Law allows alteration and expansions in the General Residence district by a Special Permit granted by the Board of Appeals and §4.2 requires a minimum side setback of 10.0' and allows 2.5 story structures in the General Residence zoning district.

1. The proposed expansion is allowed by a Special Permit.
2. The existing and proposed side setback is 5.6'.
3. The existing and proposed structure is 3.5 stories due to more than 40% of the foundation wall are exposed.

You may alter your plans to conform to the Zoning By-Law and resubmit for a building permit or you may request three (3) Special Permits from the Zoning Board of Appeals. If you choose this option, please contact the Office of Planning and Building at (617)-993-2650 to schedule an appointment with Ara Yogurtian, Inspector of Buildings to begin the process.

Sincerely,



Ara Yogurtian C.B.O.
Inspector of Buildings

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BELMONT, MA



FEB -5 PM 2:17

Town of Belmont
Zoning Board of Appeals

APPLICATION FOR A SPECIAL PERMIT

Date: 2/3/2026

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

To Whom It May Concern:

Pursuant to the provisions of Massachusetts General Laws, Chapter 40A, Section 9, as amended, and the Zoning By-Laws of the Town of Belmont, I/we the undersigned, being the owner(s) of a certain parcel of land (with the buildings thereon) situated on 38-40 Wiley Street/Road, hereby apply to your Board for a **SPECIAL PERMIT** for the erection or alteration on said premises or the use thereof under the applicable Section of the Zoning By-Law of said Town for _____

a special permit to reconstruct the roof and add conforming dormers to create a habitable half-story attic level within an existing dwelling, as shown on the submitted plans.

on the ground that the same will be in harmony with the general purpose and intent of said Zoning By-Law.

Signature of Petitioner

Christina Kritharas

Print Name

Christina Kritharas

Address

~~147~~ 147 Fairview Ave
Belmont, MA 02478

Daytime Telephone Number

617-584-7413

December 6, 2005

Belmont Zoning Board of Appeals

Special Permit Narrative Statement

38-40 Wiley Road

Christina Kritharas and Petros Davos seek 5 special permits in order to alter an existing non-conforming structure in the GR district.

They recently purchased their new home at 40 Wiley Road, the second floor of a two family in the GR district. Their unit currently has 3 small bedrooms and 1 bathroom. They would like to remodel the walk-up attic to create a primary bedroom suite with a second bathroom. Currently, the attic space has a narrow 44 sf section with a ceiling height of 7' and a dormer on the left side. The ceiling height above the stair does not meet building code requirements and there is no portion of the space that has enough ceiling height to meet building code requirements for bathroom fixtures.

The proposed alteration involves adding two 21'-3" long 3:12 pitch dormers (one on each side of the ridge) and reconfiguring the front portion of the 8:12 hip roof with an 8:12 pitch gable in order to create a more functional living space that meets building code requirements. The height to the midpoint of the proposed dormer is 31'-11" (still below the allowed 33'). This provides a new ceiling height of 9' at the peak (for the portion under the dormers) which then creates sufficient ceiling height for the bedroom and to meet the building code requirements for the bathroom fixtures and the stairs.

These roof alterations require a **special permit to increase the gross floor area of this non-conforming structure**. The proposed increase in gross SF of the attic (>7'H) is 458 sf. This increase creates an attic space that is still well below the allowable criteria for a half story (area: 853.8 sf max and 670 sf proposed; perimeter: 88'-9 1/2" max and 58'-9 1/2" proposed; dormer length: 36'-7 1/2" max, 21'-3" proposed). The vast majority of the two-family homes on Wiley Road and within the surrounding neighborhood including the immediate abutters already have attic spaces with gable rooflines and dormers similar to what is proposed.

The proposed right-side dormer aligns directly above the existing wall which is at 5.6' (10' required) from the side property line, triggering a need for the **special permit for side setback**. The basement is 41.1% below grade (60% min required) and therefore considered a story, triggering a need for the **special permit for story count** to make changes to the existing attic space. This home is also consistent with many in the neighborhood in terms of the proximity to side setbacks and the relationship to the grading. The proposed roof alterations will still be very much in keeping with the size, scale and massing of the neighborhood vernacular. Therefore the proposed alteration **does not pose any substantial detriment** to the neighborhood and **does not nullify or substantially derogate** the intent of the by-law.

Thank you for your consideration on this matter.

Zoning Compliance Check List
Properties Located within the GR Zoning Districts
 (To be Completed by a Registered Land Surveyor)

Property Address: 38-40 Wiley Road

Surveyor Signature and Stamp: _____ Date: _____

Per §4.2 of the Zoning By-Law				
	REQUIRED	EXISTING	PROPOSED	
Lot Area (sq. ft.)	5,000 S.F.	5,000 S.F.	5,000 S.F.	
Lot Frontage (feet)	50'	50'	50'	
Lot Area/Unit (sq. ft./d.u.)	3,500 S.F.	2,500 S.F.	2,500 S.F.	
Lot Coverage (% of lot)	30%	36.7%	36.7%	
Open Space (% of lot)	40%	39.5%	39.5%	
Setbacks: (feet)	➤ Front ^(a)	18.9'	24.6'	
	➤ 2nd Front Door (25%)			
	➤ Side/Side	10' 10'	11' 5.6'	18' 6.6'
	➤ Rear	20'	36.2'	59.2'
Building Height:	➤ Feet	33'	26.5' ^{POINT}	32.2' ^{TO MID POINT}
	➤ Stories	2 1/2	3 1/2	3 1/2
1/2 Story (feet) (Per §1.4)	➤ Perimeter (50%)			
	➤ Area (60%)			
	➤ Length (75%)			
Per §6D of the Zoning By-Law				
HVAC:	Prohibited in Front Yard and Side and Rear Setbacks			
Front Doors:	Both Must Face Street ^(b)			
	STANDARD	PROPOSED		
Curb Cut (One per 70' Frontage) ^(c)	/	/		

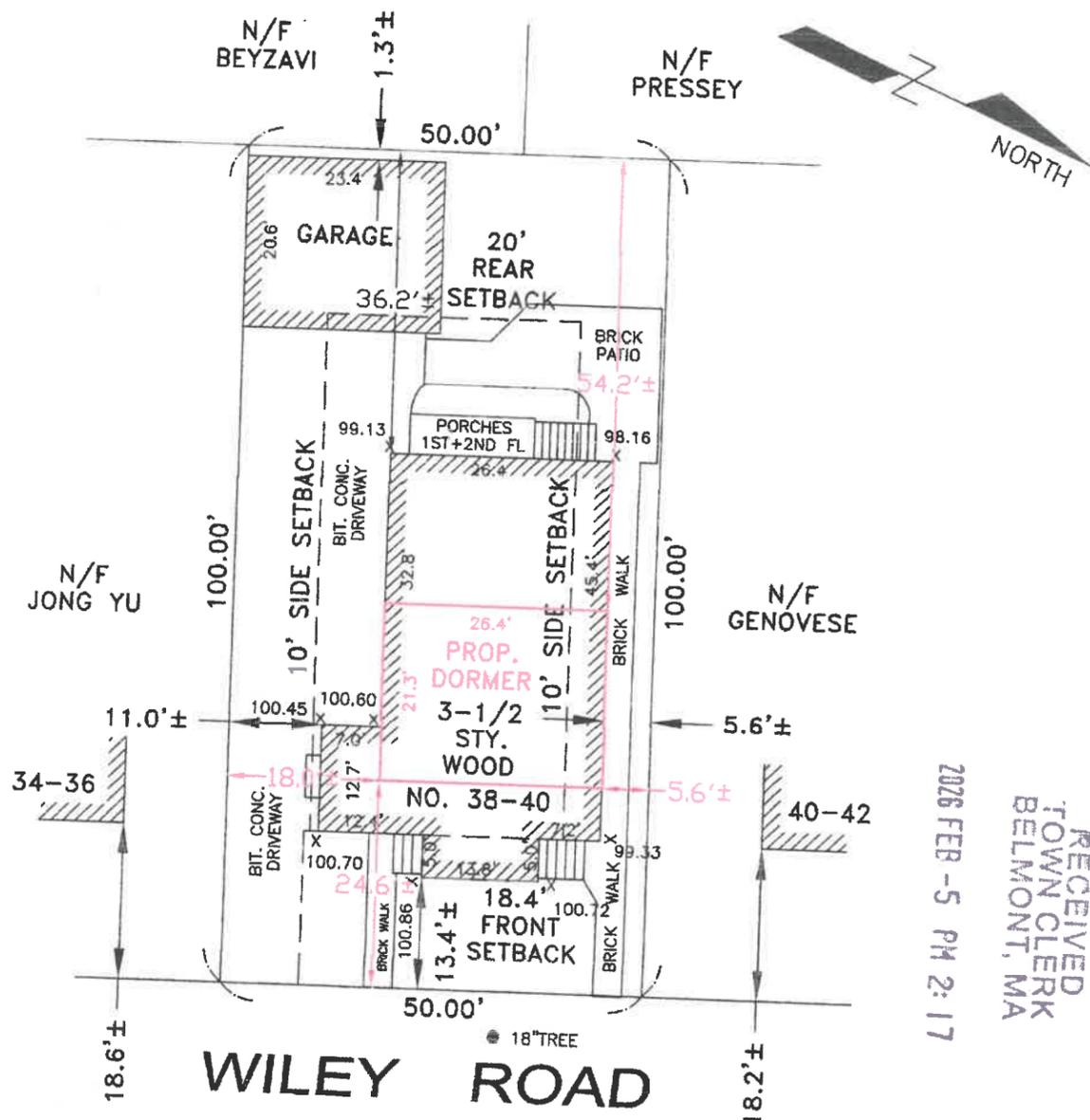
- (a) Front setback is equal to the average front setbacks of the abutting properties on either side.
- (b) The second unit's front door may be allowed to face the side yard only if the existing structure is historically or architecturally significant.
- (c) A second curb cut may be allowed where the Applicant can demonstrate that creating a second curb cut is harmonious with the surrounding neighborhood.

SUBMIT CALCULATIONS for all of the requirements listed above on a separate piece of paper(s) to verify how they were calculated

August 20, 2014

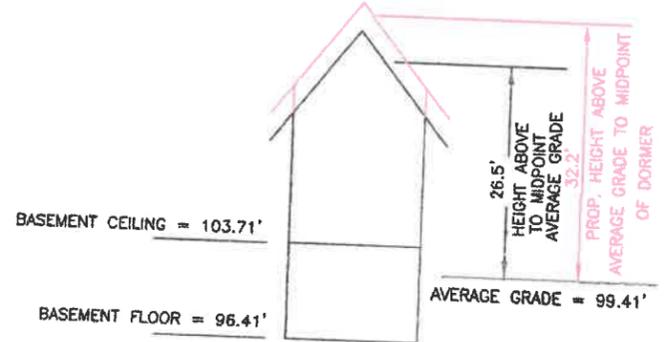


Douglas L. Johnston
12-10-25



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2026 FEB -5 PM 2:17

LOT AREA = 5,000 S.F.±
 EXISTING BUILDING = 1,355 S.F.±
 EXISTING GARAGE = 480 S.F.±
 EXISTING PAVEMENT = 1,190 S.F.±
 PROPOSED ADDITION = 562 S.F.±
 EXISTING LOT COVERAGE = 36.7%
 PROPOSED LOT COVERAGE = 36.7%
 EXISTING OPEN SPACE = 39.5%
 PROPOSED OPEN SPACE = 39.5%



- NOTES
1. SEE DEED RECORDED IN MIDDLESEX COUNTY REGISTRY OF DEEDS IN DEED BOOK 10142, PAGE 563.
 2. SEE PLAN RECORDED IN MIDDLESEX COUNTY REGISTRY OF DEEDS IN PLAN BOOK 324, PAGE 45.
 3. SUBJECT PARCEL IS LOCATED IN ZONE GR.
 4. SUBJECT PARCEL IS LOCATED IN FLOOD ZONE X AS SHOWN ON PANEL 25017C0418F WITH AN EFFECTIVE DATE OF JULY 8, 2025.
 5. ONE PUBLIC SHADE TREE IS LOCATED WITHIN THE LIMITS OF THE PROPERTY FRONTAGE OF THE SUBJECT PROPERTY.
 6. FRONT SETBACK: $18.6 + 18.2 = 36.8 / 2 = 18.4$; FRONT SETBACK=18.4'.



(IN FEET)
1 inch = 20 ft.

CERTIFIED PLOT PLAN
IN
BELMONT, MA
SCALE: 1" = 20' DECEMBER 5, 2025

DLJ GEOMATICS
PROFESSIONAL LAND SURVEYING
276 NORTH STREET
WEYMOUTH, MA 02191
(781) 812-0457
38-40 WILEY RD BELMONT.dwg

DLJ
PROFESSIONAL LAND SURVEYOR DATE 12/10/25



DESIGN DEVELOPMENT NOVEMBER 26, 2025

ENERGY AUDIT:

COMPLIANCE DETERMINED BY MASSACHUSETTS 2025 RESIDENTIAL STRETCH CODE AND SPECIALIZED OPT-IN CODE (IECC 2021 W/ MASS AMENDMENTS), PROPERTY FALLS UNDER CLIMATE ZONE 5A.

1. RENOVATION TO COMPLY WITH ENERGY STAR QUALIFIED HOMES THERMAL BYPASS INSPECTION CHECKLIST. INSULATION VALUES AS FOLLOWS: R60 ROOF R-VALUE, R30 FLOOR R-VALUE, R20+5 WALL R-VALUE, R15/19 BASEMENT / CRAWL SPACE WALL R-VALUE.
2. RENOVATION TO COMPLY WITH ENERGY STAR PROGRAM REQUIREMENTS FOR RESIDENTIAL WINDOWS, DOORS, AND SKYLIGHTS - VERSION 5.0. ALL NEW WINDOW GLAZING TO BE .30 U FACTOR AND SKYLIGHTS TO BE .55 U-FACTOR.
3. HEATING / COOLING DUCTS TO BE SEALED AND TESTED TO MEET REQUIREMENTS OF 401.3.
4. ELECTRICAL SERVICE TO BE 200 AMPS TO EACH UNIT. ELECTRICAL POWER TO THE BUILDING WILL BE FROM OVERHEAD, AT LEAST ONE 50-AMP BRANCH CIRCUIT PER UNIT TO PROVIDE FOR AC LEVEL II CHARGING FOR ELECTRIC VEHICLES.

PROJECT INFORMATION:

BELMONT ZONING GR

REQUIRED:

MAX 30% LOT COVERAGE
MIN 40% OPEN SPACE

FRONT YARD SETBACK: AVERAGE
REAR YARD SETBACK: 20'-0"
SIDE YARD SETBACK: 10'-0"

MAX HEIGHT: 2 1/2 STORIES AND
33' TO MIDPOINT

EXISTING ATTIC GROSS SF (>6'H) = 175 SF
PROPOSED ATTIC GROSS SF (>6'H) = 472 SF
NEW GROSS SF = 472-175=297 SF
297 SF < 300 SF THEREFORE NO PB APPROVAL NEEDED

DRAWING LIST

- A1 COVER SHEET
- A2 EXISTING SECOND FLOOR PLAN
- A3 EXISTING ATTIC PLAN
- A4 EXISTING EXTERIOR ELEVATIONS
- A5 NEW ATTIC PLAN
- A6 NEW EXTERIOR ELEVATIONS

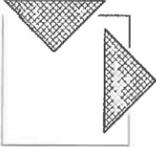
LIGHTING LEGEND

-  RECESSED LED CAN LIGHT - AS SELECTED BY OWNER
-  CEILING MOUNTED PENDANT - AS SELECTED BY OWNER
-  CEILING MOUNTED DOME LIGHT - AS SELECTED BY OWNER
-  WALL MOUNTED SCUNCES AS SELECTED BY OWNER
-  CEILING FAN WITH INTEGRAL LIGHT - AS SELECTED BY OWNER
-  S.D. SMOKE DETECTOR - NOTE ALL NEW AND EXISTING SMOKES TO BE HARD-WIRED PER CODE
-  S/CO HARD-WIRED SMOKE / CARBON MONOXIDE DETECTOR
-  ▲ DATA CONNECTION
-  △ TELEPHONE / DATA CONNECTION
-  ○ ELECTRIC OUTLET (SPECIFIC LOCATIONS ONLY - ALL OUTLETS AS REQUIRED BY CODE ARE NOT SHOWN ON PLANS)

SYMBOL LEGEND

-  WALL TO BE DEMOLISHED
-  EXISTING WALL TO REMAIN
-  NEW WALL
-  1 A10 INTERIOR ELEVATION
-  2 A12 SECTION
-  5 DOOR TAG
-  8 WINDOW TAG

**MILLER
DESIGN LLC**



80 CLARK STREET
BELMONT, MA 02478

Architect:
Miller Design LLC
80 Clark Street
Belmont MA 02478
617-993-3157

Date: Issued for:

11/17/25 SCHEMATIC DESIGN
11/26/25 DESIGN DEVELOPMENT



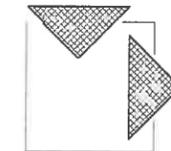
DAVOS RESIDENCE
40 WILEY ROAD
BELMONT MA 02478

COVER SHEET

Sheet
Number:

A1

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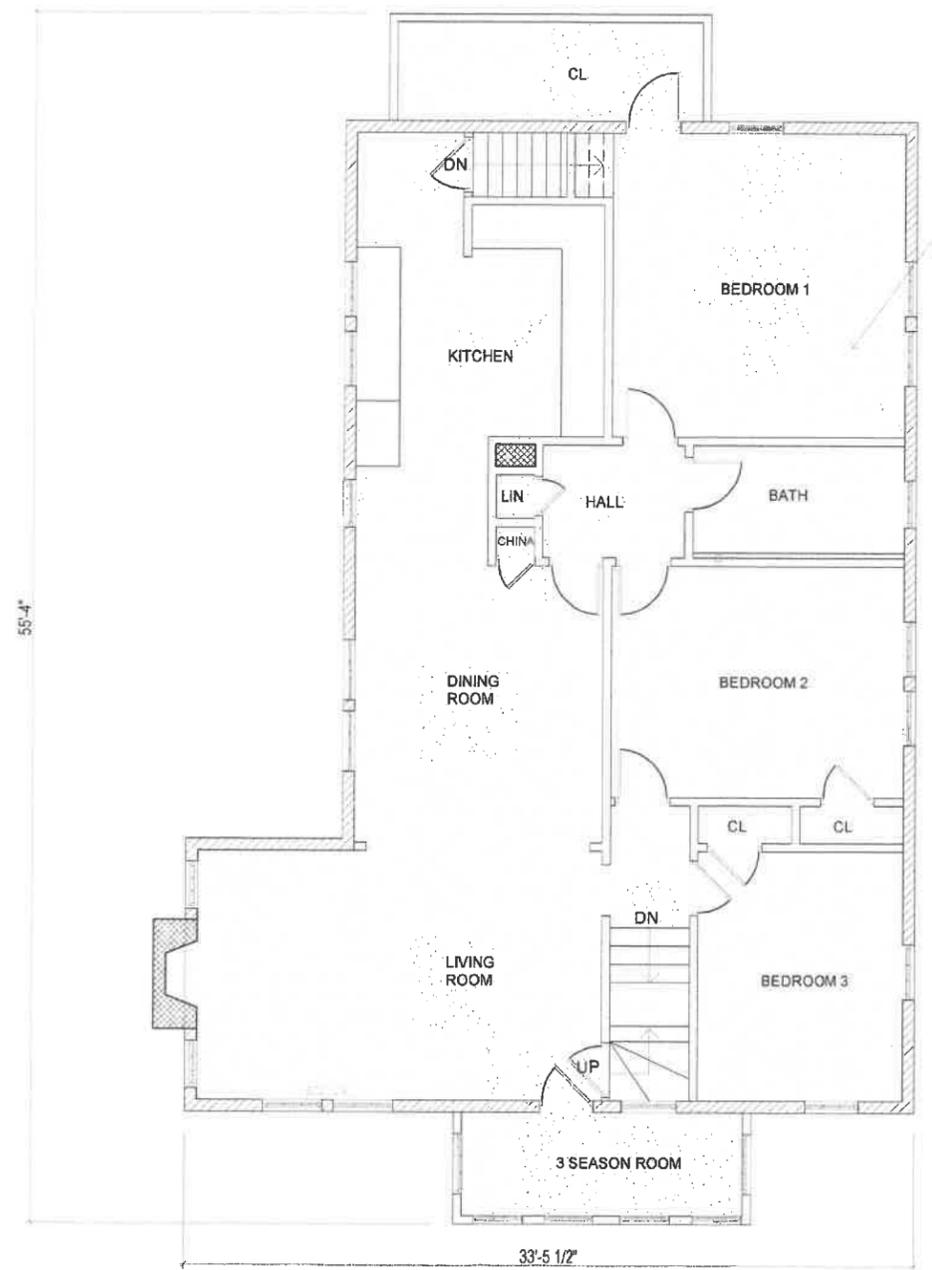


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40 WILEY ROAD
BELMONT MA 02478

**EXISTING SECOND
FLOOR PLAN**

Sheet
Number:

A2



STONE INDICATES EXTENT OF EXISTING GROSS
FLOOR AREA:
1,423 sq ft



HALF STORY AREA CALCULATIONS:

ALLOWABLE: AREA WITH CEILING HEIGHT OF 5' OR GREATER CAN BE NO MORE THAN 60% OF SECOND FLOOR AREA

SECOND FLOOR AREA = 1423 SF
60% OF 1423 = 853.8 SF MAX
ACTUAL: 250 SF, CONFORMING

HALF STORY PERIMETER CALCULATIONS:

SECOND FLOOR PERIMETER = 177'-7" LF

ALLOWABLE: MAX 88'-9 1/2" W/ RAFTER BOTTOMS AT 3' OR GREATER (BASED ON 50% OF 177'-7" PERIMETER).

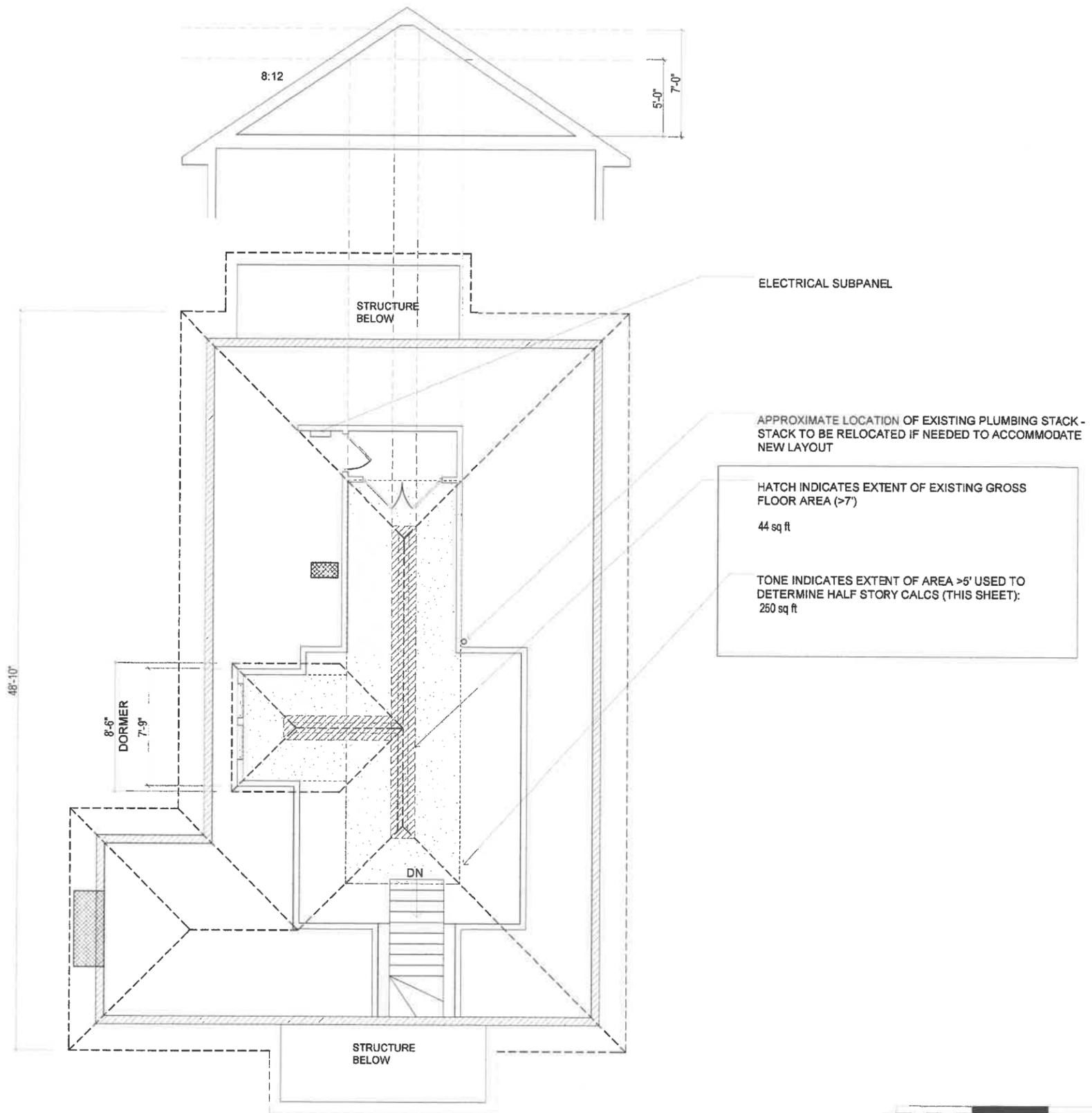
ACTUAL: 7'-9", CONFORMING

DORMER CALCULATIONS:

ROOF LENGTH = 48'-10" LF

ALLOWABLE: 36'-7 1/2" MAX PER SIDE (BASED ON 75% OF 48'-10")

ACTUAL: 8'-8", CONFORMING



ELECTRICAL SUBPANEL

STRUCTURE BELOW

APPROXIMATE LOCATION OF EXISTING PLUMBING STACK - STACK TO BE RELOCATED IF NEEDED TO ACCOMMODATE NEW LAYOUT

HATCH INDICATES EXTENT OF EXISTING GROSS FLOOR AREA (>7)

44 sq ft

TONE INDICATES EXTENT OF AREA >5' USED TO DETERMINE HALF STORY CALCS (THIS SHEET): 250 sq ft

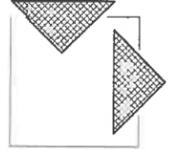
8'-8" DORMER
7'-9"

DN

STRUCTURE BELOW



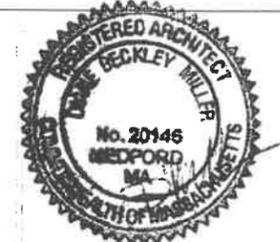
MILLER DESIGN LLC



80 CLARK STREET
BELMONT, MA 02478

Architect:
Miller Design LLC
80 Clark Street
Belmont MA 02478
617-983-3157

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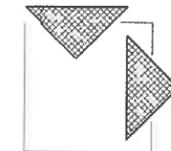
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40 WILEY ROAD
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EXISTING ATTIC FLOOR PLAN

Sheet Number:

A3

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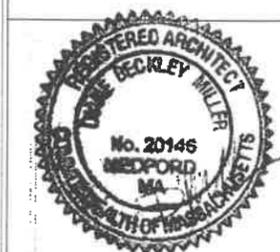


80 CLARK STREET
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617-893-3157

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DAVOS RESIDENCE
40 WILEY ROAD
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**EXISTING
ELEVATIONS**

Sheet
Number:

A4



1 FRONT ELEVATION
1/8" = 1'-0"



2 SIDE ELEVATION
1/8" = 1'-0"



3 REAR ELEVATION
1/8" = 1'-0"



4 SIDE ELEVATION
1/8" = 1'-0"



HALF STORY AREA CALCULATIONS:

ALLOWABLE: AREA WITH CEILING HEIGHT OF 5' OR GREATER CAN BE NO MORE THAN 60% OF SECOND FLOOR AREA

SECOND FLOOR AREA = 1423 SF
60% OF 1423 = 853.8 SF MAX
ACTUAL: 670 SF, CONFORMING

HALF STORY PERIMETER CALCULATIONS:

SECOND FLOOR PERIMETER = 177'-7" LF

ALLOWABLE: MAX 88'-9 1/2" W/ RAFTER BOTTOMS AT 3' OR GREATER (BASED ON 50% OF 177'-7" PERIMETER).

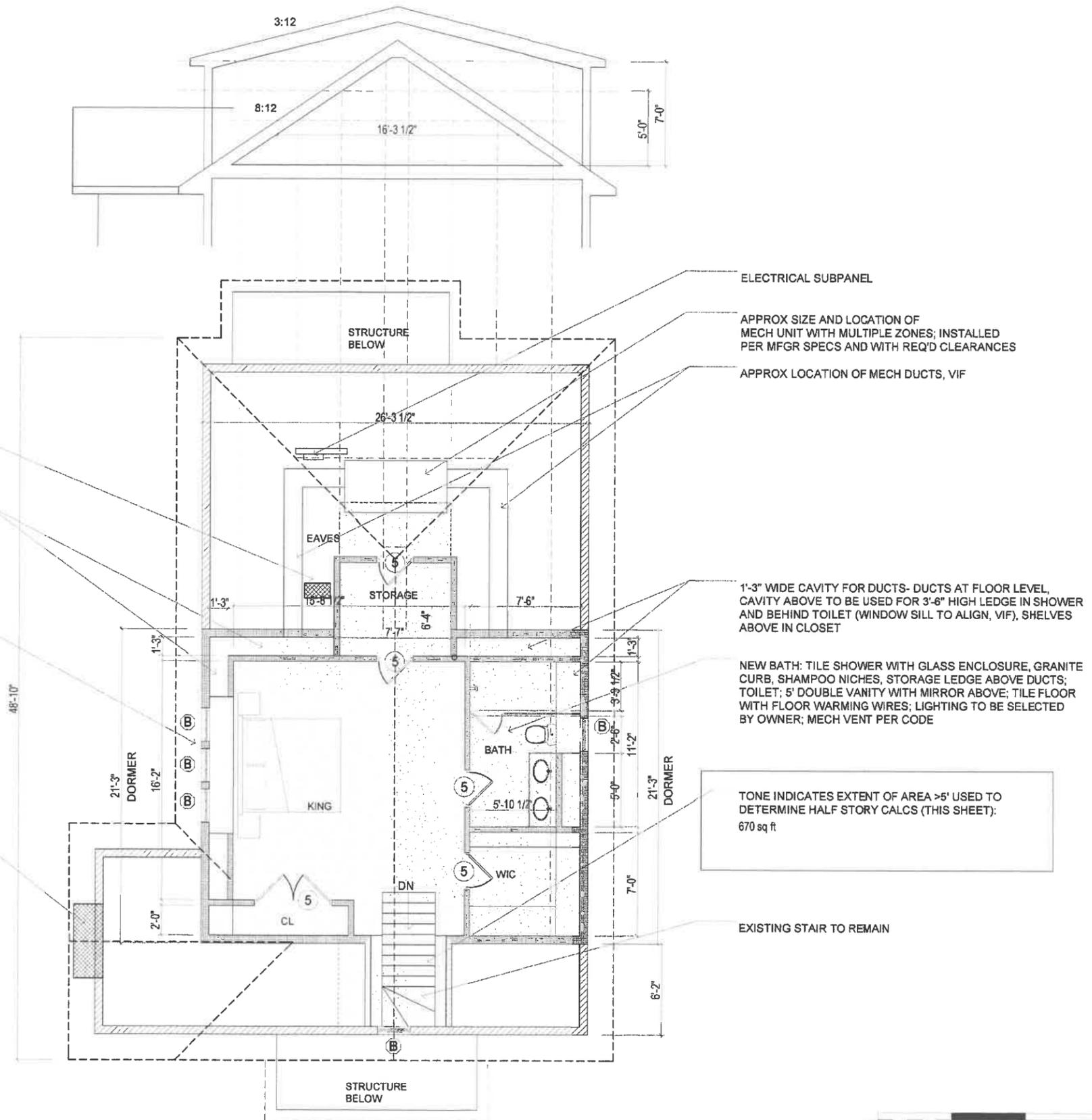
ACTUAL: 16'-3 1/2" + 21'-3" + 21'-3" = 58'-9 1/2", CONFORMING

DORMER CALCULATIONS:

ROOF LENGTH = 48'-10" LF

ALLOWABLE: 36'-7 1/2" MAX PER SIDE (BASED ON 75% OF 48'-10")

ACTUAL: 21'-3" PER SIDE, CONFORMING



CHIMNEY TO BE EXTENDED TO MEET CODE BASED ON NEW ROOF HEIGHT

1'-3" WIDE CAVITY FOR DUCTS- DUCTS AT FLOOR LEVEL, CAVITY ABOVE TO BE USED FOR 2'-6" HIGH LEDGE AT BEDROOM WINDOWS (WINDOW SILLS TO ALIGN, VIF), HANGING BAR ABOVE IN CLOSET

NEW WINDOWS TO BE CENTERED OVER WINDOWS BELOW

CHIMNEY TO BE EXTENDED TO MEET CODE BASED ON NEW ROOF HEIGHT

ELECTRICAL SUBPANEL

APPROX SIZE AND LOCATION OF MECH UNIT WITH MULTIPLE ZONES; INSTALLED PER MFGR SPECS AND WITH REQ'D CLEARANCES

APPROX LOCATION OF MECH DUCTS, VIF

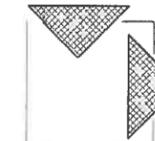
1'-3" WIDE CAVITY FOR DUCTS- DUCTS AT FLOOR LEVEL, CAVITY ABOVE TO BE USED FOR 3'-6" HIGH LEDGE IN SHOWER AND BEHIND TOILET (WINDOW SILL TO ALIGN, VIF), SHELVES ABOVE IN CLOSET

NEW BATH: TILE SHOWER WITH GLASS ENCLOSURE, GRANITE CURB, SHAMPOO NICHES, STORAGE LEDGE ABOVE DUCTS; TOILET; 5' DOUBLE VANITY WITH MIRROR ABOVE; TILE FLOOR WITH FLOOR WARMING WIRES; LIGHTING TO BE SELECTED BY OWNER; MECH VENT PER CODE

TONE INDICATES EXTENT OF AREA >5' USED TO DETERMINE HALF STORY CALCS (THIS SHEET); 670 sq ft

EXISTING STAIR TO REMAIN

MILLER DESIGN LLC



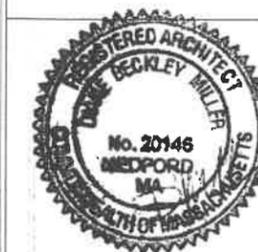
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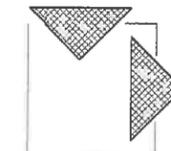
NEW ATTIC FLOOR PLAN

Sheet Number:

A5



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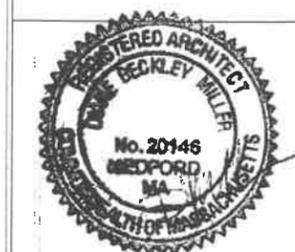


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11/26/25	DESIGN DEVELOPMENT
12/12/25	REVISED



DAVOS RESIDENCE
40 WILEY ROAD
BELMONT MA 02478

**NEW
ELEVATIONS**

Sheet
Number:

A6



1 FRONT ELEVATION
1/8" = 1'-0"

31'-1 1/2"
AVG GRADE TO
MIDPT OF DORMER



2 SIDE ELEVATION
1/8" = 1'-0"



3 REAR ELEVATION
1/8" = 1'-0"



4 SIDE ELEVATION
1/8" = 1'-0"

