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**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

CASE NO. 23-25

APPLICANTS Austin and Monica Kim

PROPERTY 200 Beech Street

DATE OF PUBLIC HEARING October 2, 2023

MEMBERS SITTING Casey Williams, Chair
Andrew Kelley, Vice Chair
Elliot Daniels
David Stiff
Alexandra Danahy
Daniel Barry

MEMBERS VOTING Casey Williams, Chair
Andrew Kelley, Vice Chair
Elliot Daniels
David Stiff
Daniel Barry

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, Austin and Monica Kim (the “Applicants”) sought Two (2) Special Permits under Section 1.5 of the By-Law to construct dormers for a property located in a General Residential (GR) Zoning District. Special permits:

- 1) §4.2.2 of the By-Law allows for a maximum building height of two and a half (2-1/2) stories. The existing structure is three and a half (3-1/2) stories since the lowest level of the dwelling is a basement (47.15% of the foundation walls are below grade) and is considered a story. The proposed dormers are located at a three and a half (3-1/2) story level, and
- 2) §4.2.2 of the By-Law also requires a minimum side setback of 10.0’, the existing side setback is 1.6’ and the proposed side setback is 2.0’.

Proposal

The Board held a duly noticed hearing on the application on October 2, 2023. The Applicants submitted for the Board’s review architectural drawings for the new dormers dated August 11, 2023, prepared by Diane Miller of Miller Design, LLC; a plot plan, dated May 24, 2023, prepared by surveyor Scott C. Lynch of Rober Survey; a Zoning Checklist, dated May 24, 2023, prepared by surveyor Scott C. Lynch or Rober Survey; calculations dated June 6, 2023

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prepared by surveyor Scott C. Lynch or Rober Survey regarding, *inter alia*, % of Exposed Foundation, Top of Basement Elevation, and Average Grade Elevations; and photos of the house and neighborhood houses with similar dormers and additions. A petition containing thirteen signatures of support were submitted as part of this case, including signatures from two side abutters. No letters of opposition were submitted.

At the hearing the Applicants architect, Keith Miller, outlined the proposal to construct two dormers. Mr. Miller explained that the existing structure was damaged by a fire and that the applicants were hoping to enhance the structure, while repairing it, to better accommodate their family. Mr. Miller also stated that the rebuilt roof would maintain the existing ridge height. Lastly, Mr. Miller explains that the existing and proposed side setback is non-conforming do an easement located on the eastern driveway and not the proximity to the neighboring property.

At the hearing, one neighbor spoke in support of the application. No one spoke in opposition.

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 David Stiff, and seconded by Andrew Kelley, the Board voted 5-0 to grant the Two (2) Special Permits as requested.

For the Board,

Dated: October 25, 2023



Gabriel S. Distler,
Staff Planner
Office of Community Development