

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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Case No. 22-06

Applicant: John Joannopoulos

Property: 64 Douglas Road

Date of Public Hearing: April 4, 2022
Continued 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: Nick Iannuzzi, Chairman
Casey Williams
Andrew Kelley
Teresa MacNutt
Elliot Daniels, 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 John Joannopoulos (“Applicant”), seeks Three (3) Special Permits under §1.5 of the Belmont Zoning-By- Laws to reconstruct an existing garage at 64 Douglas Road located in a Single Residence C (SRC) zoning district. Section 4.3.5 a-1 of the Zoning By-Law Dimensional Regulations require a minimum setback of 5.0’ from the side and the rear line of the lot, and allows a maximum lot coverage of 25%. 1.- The existing and proposed side setback of the detached garage is 4.3’. 2.- The existing and proposed rear setback of the detached garage is 3.7’. 3.- The existing lot coverage is 26.8% and the proposed is 27.9%.

The Board held a duly noticed hearing on the application on April 4, 2022 and continued on May 5, 2022.

Proposal

The Applicant proposes to reconstruct an existing garage and enlarge the width by 3.5’, making the width 22.0’. The existing garage is unsafe and has passed a point of a regular repair work.

The applicant submitted to the Board’s review plans prepared by Feinmann dated March 1, 2022, a plot plan and zoning checklist dated December 31, 2021.

The applicant also had submitted two letters from neighbors in support of the project.

Joseph Barbato, the builder made the presentation to the Board. He explained the condition of the garage and the necessity to have it replaced. He also noted that the existing width was not sufficient to park 2 cars side by side and the proposed addition will allow to do so.

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At the April 4, 2022 meeting, the dimensions on the plot plan, zoning checklist and the architectural drawing did not match. The Board voted 5-0 to have the case continued to May 5, 2022 and revised plot plan, zoning checklist and architectural drawings be submitted before the meeting.

At the May 5, 2022 meeting, Board members were satisfied with the corrections made on the plans. Mr. John Vining, a neighbor spoke in support of the project, 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.”

In the present case, the Board did not find the proposed reconstruction of the garage 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 with the existing detached garage and is in keeping with the character of the neighborhood in which it is located.

Accordingly, upon motion duly made by Andrew Kelley and seconded by Nick Iannuzzi, the Board voted 5-0 to grant the Three (3) special permits as requested.

For the Board,



Date: May 16, 2022

Ara Yogurtian
Assistant Director
Office of Community Development