

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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CASE NO. 21-29
APPLICANT: Fushang Liu and Fan Zhang

2022 NOV -7 PM 6:05

PROPERTY: 11 Harriet Ave.

DATE OF PUBLIC HEARING: November 1, 2021
Continued: September 12, 2022

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MEMBERS SITTING: Nick Iannuzzi, Chairman
Casey Williams
Andrew Kelley
Elliot Daniels, Associate Member
David Stiff, Associate Member

MEMBERS VOTING: Nick Iannuzzi, Chairman
Casey Williams
Andrew Kelley
Elliot Daniels, Associate Member
David Stiff, Associate Member

Introduction

This matter came before the Board of Appeals (“Board”) of the Town of Belmont (“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 Applicants, Fushang Liu and Fan Zhang (“Applicant”), request Six (6) Special Permits under Section 1.5 of the Zoning By-Laws to construct a second story addition, rear stairways and a dormer at 11 Harriet Ave. located in a General Residence (GR) Zoning District.

The Special Permits requested are as follows:

1. §1.5.4A of the By-Law allows alterations and expansions in the GR district by a Special Permit granted by the Board of Appeals.
2. §4.2 of the Zoning By-Law Dimensional Regulations require a minimum front setback of 20.0’, the existing and proposed front setback is 6.1’.
3. Requires a minimum side setback of 10.0’, the existing and the proposed side setback on the north side is 3.2’.
4. Requires a minimum side setback of 10.0’, the existing and the proposed side setback on the south side is 7.7’.
5. allows two and a half (2.5) story structures, the existing and proposed structure is three and a half (3.5) stories (the lower level of the structure is 44.6% covered and is considered a basement, a story).
6. allows maximum lot coverage of 30%. the existing and proposed lot coverage is 33.9%.

Proposal

The Board held a duly noticed hearing on the application on November 1, 2021 and continued on September 12, 2022. The applicants had submitted for the Board’s review architectural drawings dated January 11, 2021, a plot plan and zoning checklist dated January 25, 2022 and 17 letters of support from neighbors.

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At the November 1, 2021 meeting, it was noticed that only two of the six Special permits required were on the application, thus, upon a request from the applicants and a unanimous vote in favor by the Board members, the case was continued until further notice.

At the September 12, 2022 meeting, Attorney Joseph Noone presented the case to the Board members. Mr. Noone explained that the dwelling has not been occupied for several years, the proposed expansions and alterations will not increase any non-conformities the existing building has.

Board member Elliot Daniels asked Mr. Noone on the reason why the rear staircase was not enclosed, and that the Board has always preferred to see enclosed egress staircases for the purpose of safety, mostly during winter season.

Mr. Noone responded that an enclosed staircase would increase the lot coverage and the intent of the applicant was to minimize such a change. Board members agreed that although the lot coverage would slightly increase with this option, it was safer and was recommended.

At the meeting no one spoke in support or in opposition to the application.

Conclusion

On September 12, 2022 the Board deliberated on the Applicants' request for six (6) Special Permits under Section 1.5 of the By-Law to construct a second story addition, rear stairways and a dormer at 11 Harriet Ave. located in a General Residence (GR) Zoning District. The Board found that the proposed additions are not more detrimental to the neighborhood than the existing and is in keeping with the character of other houses in the vicinity with the following condition:

1. The rear staircase shall be enclosed and a revised plot plan shall be submitted to the Office of Community Development.

Accordingly, **upon motion duly made by Nicholas Iannuzzi and seconded by Casey Williams, the Board voted 5-0 to grant the Applicant the Six (6) Special Permits as requested.**

For the Board:

Dated: November 7, 2022



Ara Yogurtian
Assistant Director
Office of Community Development