

**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

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2020 DEC 10 AM 8:14

CASE NO. 20-33

APPLICANT: Yordanos Tilhun

PROPERTY: 73 Channing Road

DATE OF PUBLIC HEARING: 9 November 2020



2021 00003373

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MEMBERS SITTING:

Nicholas Iannuzzi, Chair
Jim Zarkadas, Vice chair
Andrew Kelly
Teresa McNutt
Casey Williams
William Fick, Associate Member
Elliot Daniels, Associate member

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MEMBERS VOTING:

Nicholas Iannuzzi, Chair
Jim Zarkadas, Vice Chair
Teresa McNutt
Casey Williams
William Fick, 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 Applicant Mr. Yordanos Tilahun ("Applicant"), requests two (2) Special Permits under Section 1.5 of the Zoning By-Laws to construct a dormer at 73 Channing Road located in a General Residence (GR) Zoning District. Special Permits: 1.- §4.2.2 of the Zoning Bylaw allows two and a half story structures. The existing is a three and a half story structure and the proposed dormer is at the third level. The lowest level of the dwelling is a basement (53.2% of the foundation wall is exposed) and is considered a story. 2.- §4.2.2 of the Zoning Bylaw requires a minimum side setback of 10.0'. The existing side setback to the building and the proposed to the dormer is 9.7'.

Proposal

The Board held a duly noticed hearing on the application on November 9, 2020 conducted via ZOOM videoconference (in connection with current restrictions regarding social distancing in connection with COVID-19). The Applicant Yordanos Tilahun presented the case to the Board.

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The applicant proposes to construct a dormer at the rear of the building to add a new bedroom, a bathroom and a laundry room in the attic space. He had submitted to the Board's review architectural drawings prepared by GMG Design dated September 10, 2020, a plot plan dated October 5, 2020 and a zoning checklist dated October 6, 2020.

No one at the hearing spoke in favor or in opposition to the Applicant's proposal.

Conclusion

§ 1.5.3 of the Town's Zoning By-Law provides that the Board may issue a Special Permit to reconstruct, extend, alter or change a nonconforming structure "only if it determines that such reconstruction, extension, alternation or change does not increase the nonconforming nature of said structure or create a new nonconformity and shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood and that it shall be in keeping with the character of the neighborhood in which it is located."

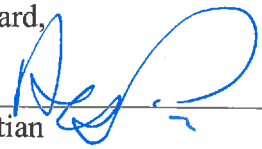
The Board deliberated on November 9, 2020. The Board found that the proposed dormer addition does not increase the nonconforming nature of the structure or create a new nonconformity and is consistent with other properties in the vicinity. They also noted that there are existing residences in the neighborhood which have similar dormers on a third floor due to the topography of land.

The Board concluded that the proposed alterations are not substantially more detrimental than the existing non-conforming structure to the neighborhood and that the proposed alterations are in keeping with the character of the neighborhood in which they are located.

Accordingly, **upon motion duly made by Nick Iannuzzi and seconded Jim Zarkadas, the Board voted 5-0 to grant the two (2) Special Permits as requested.**

For the Board,

Dated: December 8, 2020



Ara Yogurtian
Assistant Director
Office of Community Development

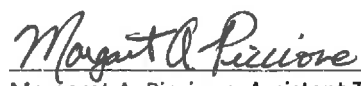
CERTIFICATION BY TOWN CLERK

I, Margaret A. Piccione, hereby certify that twenty (20) days have elapsed after the decision was filed in the office of the Belmont Town Clerk on December 10, 2020, and further I certify that no appeal has been filed with regard to the granting of said Two (2) Special Permits with Zero (0) conditions.

Statutory appeal periods, and thus the issuance of Certificates of No Appeal, have been temporarily affected by Court Standing Orders, available at www.mass.gov/guides/court-system-response-to-covid-19. Applicants, abutters and interested parties should consult the Standing Orders to determine their next actions. Any decision by a permit holder to proceed is at their own risk, and the permit holder is urged to consult their own legal counsel.

Under Section 17 of Chapter 53 of the Acts of 2020, the requirement to record permit decisions with the Registry is suspended for so long as the Registry is "closed or subject to rules and procedures restricting public in-person access." However, such recording will still be required upon the full reopening of the Registry. The Middlesex County Registry of Deeds continues to accept filings by postal mail during this period, and permit holders are requested to file for recording through this method to the extent possible.

January 6, 2021



Margaret A. Piccione, Assistant Town Clerk
Belmont, MA