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**TOWN OF BELMONT  
ZONING BOARD OF APPEALS**

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2018 DEC 12 PM 3: 12

**CASE NO.** 18-34

**APPLICANT:** Andrew Oldman

**PROPERTY:** 22 Kilburn Road

**DATE OF PUBLIC HEARING:** September 10, 2018  
Continued: November 5, 2018  
Continued: December 3, 2018



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**MEMBERS SITTING:** Nick Iannuzzi, Chairman  
Jim Zarkadas  
Andrew Plunkett  
Casey Williams, Associate Member  
Blake Currier, Associate Member

**MEMBERS VOTING:** Nick Iannuzzi, Chairman  
Jim Zarkadas  
Andrew Plunkett  
Casey Williams, Associate Member  
Blake Currier, 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 Andrew Oldman (“Applicant”) requests One Special Permit under Section 4.2.2 A. 7 of the Zoning By-Laws to reduce the rear setback requirements to not less than then side requirements to construct a rear addition and a detached garage. The required rear setback for the addition and the garage is 30.0’, the existing setback is 28.7’. The proposed rear setback for the addition is 25.2’ and for the detached garage is 7.0’ located at 22 Kilburn Road in a Single Residence C (SRC) Zoning District.

The Board held a duly noticed hearing on the application on September 10, 2018, continued the hearing on November 5, 2018 and deliberated on December 3, 2018. The Applicant, Andrew Oldman made a presentation to the Board.

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### Proposal

The applicant proposes to remove a stone patio at the "back" which is set to the grade of the first floor. Part of the subject patio violates the current setback; though it may have predated any zoning. The applicant wants to construct a small sunroom in its place to serve as a small family room; and in the event of inevitable sickness, to provide a barrier free warm and bright place in which to rest and recover. The front door and or door to this proposed addition is easily and attractively (not noticeable) made accessible for any impairment; thus the proposed sunroom is logical and convenient. It will also enhance the circulation and principal spaces of this small house. The sunroom will most importantly enhance their ability to remain in the house for many years. The sunroom will be built in the same architectural style of tile roof and shingle style as the original house. It will feature a very small hand-built fireplace. The modest chimney will carefully blend into the south façade. The 2<sup>nd</sup> request is for a new garage/accessory building for storage of 1 automobile and lawn equipment. The garage is to be built into the landscape in the southwest corner of the lot. Most of the north and east sides of the garage will be built as a buried retaining wall with the same shingle style as the house as it rises out of the ground.

The applicant feels adding the garage to the southwest corner of the lot is the best design and will have no detrimental impact on the neighborhood.

No one spoke in favor of the proposal. The direct abutters Robert Burkitt and Gretchen McCarey residing at 42 Kilburn Road spoke in opposition stating the garage would have an impact on sunlight, their view and would be too close to their property line. The ZBA Chairman requested that the applicant and neighbor meet and find a resolution. After multiple attempts by the applicant a compromise could not be reached.

### Conclusion

On December 3<sup>rd</sup>, 2018, the Board deliberated on The Applicant, Andrew Oldman's ("Applicant") request for One Special Permit under Section 4.2.2 A. 7 of the Zoning By-Laws to reduce the rear setback requirements to not less than the side requirements to construct a rear addition and a detached garage by Special Permit. The required rear setback for the addition and the garage is 30.0', the existing setback is 28.7'. The proposed rear setback for the addition is 25.2' and for the detached garage is 7.0' located at 22 Kilburn Road in a Single Residence C (SRC) Zoning District.

Based on the foregoing factors, the Board determined that the applicant's proposal did not have any adverse effects to the Town or the neighborhood and that the proposed request will be in harmony with the neighborhood and general purpose and intent of the By-law.

Accordingly, **upon motion duly made by Jim Zarkadas and seconded by Nick Iannuzzi, the Board voted 5-0 to grant the Applicant One (1) Special Permit as requested** subject to the following conditions:

Permit is subject to:

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1. Proposed rear setback for the detached garage is not to be less than 7.0'.
2. The ridgeline of the detached garage is not to exceed the ridge line of the garage at 42 Kilburn Road by more than two (2) feet.
3. Said detached structure to conform with all accessory building codes.

For the Board:

Dated: December 12, 2018

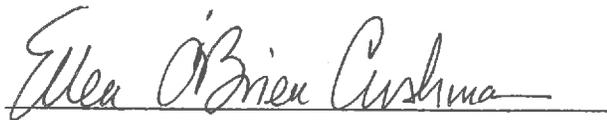


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Ara Yogurtian  
Assistant Director  
Office of Community Development

CERTIFICATION

I, Ellen O'Brien Cushman, hereby certify that twenty (20) days have elapsed after the decision was filed in the office of the Belmont Town Clerk on December 12, 2018, and further I certify that no appeal has been filed with regard to the granting of said one (1) Special Permits with three (3) conditions, and as shown on the plans submitted to the Board.

January 2, 2019



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Ellen O'Brien Cushman, Town Clerk  
Belmont, MA