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**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

CASE NO. 17-01

APPLICANT: Ming Zhong

PROPERTY: 67 Hoitt Rd.

DATE OF PUBLIC HEARING: January 9, 2017

MEMBERS SITTING: Eric Smith, Chair
Jim Zarkadas
Faustino Lichauco
Craig White
Gang Zhao, Associate Member
Phil Ruggiero, Associate Member

MEMBERS VOTING: Eric Smith, Chair
Jim Zarkadas
Faustino Lichauco
Craig White
Phil Ruggiero, Associate Member



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Introduction

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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 of Belmont, Massachusetts (the "By-Law") and Chapter 40A of the Massachusetts General Law (the "Zoning Act"). The applicant, Ming Zhong ("Applicant"), seeks a special permit to construct a second floor addition on the existing house at 67 Hoitt Road. The property is located in a Single Residence C Zoning District.

In connection with a proposed partial second floor addition, the Applicant requested one special permit under §1.5 of the Zoning By-law to carry out construction of a second story that would maintain an existing side setback of 8.5 feet, which is less than the required minimum side setback of 10.0 feet in a Single Residence C Zoning District.

The Board held a duly noticed hearing on the application on January 9, 2017. The Applicant presented a proposal at the hearing and submitted architectural plans dated October 28, 2016, a plot plan dated October 26, 2016 and a Zoning Checklist dated October 25, 2016 showing the proposed second story addition. In addition, the Applicant presented signatures from sixteen neighbors indicating their consent to the proposed construction. The Applicant also submitted photographs of eight houses in the neighborhood that all had two stories.

Proposal

The proposed structure is a one-story addition over a portion of a single story house that would raise the building height from 18.75 feet to 26.08 feet, which remains under the maximum allowed height of 30 feet. This transforms the house from a single-story house to a two-story house, which is nevertheless below the 2½-story limit.

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Conclusion

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 or by the special permit granting authority designated 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.”

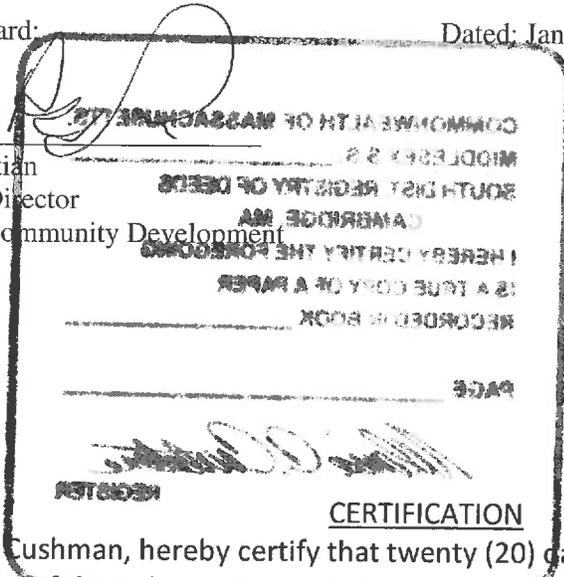
In the present case, the Board did not find that the proposed new story would be substantially more detrimental because the result would actually bring the house into line with existing houses in the neighborhood and thus promote the homogeneity of appearance that appears to be one of the goals of the zoning law.

Accordingly, upon motion duly made and seconded, **the Board voted 5-0 to approve the special permit.**

For the Board:

Dated: January 12, 2017

Ara Yogurtian
Assistant Director
Office of Community Development



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 January 12, 2017, and further I certify that no appeal has been filed with regard to the granting of said one (1) Special Permit with zero (0) conditions.

February 3, 2017

Ellen O'Brien Cushman, Town Clerk
Belmont, MA

Any appeal from this decision must be made pursuant to Ch.40A, S.17, MGL, and must be filed within 20 days after the filing of such notice in the office of the Town Clerk.