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**TOWN OF BELMONT
ZONING BOARD OF APPEALS**

Case No. 22-01

Applicant: Hamayak H. Amirkhani

Property: 130-132 Bartlett Ave.

Date of Public Hearing: February 7, 2022
Continued: March 7, 2022

Members Sitting: Nicholas A. Iannuzzi, Jr., Chair
Jim Zarkadas, Vice Chair
Andrew Kelley
Casey Williams
Teresa MacNutt
Elliot Daniels (Associate Member)
Jeff Birenbaum (Associate Member)
David Stiff (Associate Member)

Members Voting: Nicholas A. Iannuzzi, Jr., Chair
Jim Zarkadas, Vice Chair
Casey Williams
Andrew Kelley
Teresa MacNutt

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, Hamayak H. Amirkhani (“Applicant”) seeks one (1) Special Permit under §1.5 of the Belmont Zoning-By-Law to construct a front yard parking at 130-132 Bartlett Ave. located in a General Residence (GR) Zoning District.

Proposal

The Applicant proposes to construct a front yard parking. Special Permit: §5.1.3-b allows front yard parking by a Special Permit granted by the Board of Appeals.

The proposal is set forth on a plot plan, prepared by James J. Abely, registered Land Surveyor, dated December 14, 2021.

The Board held a duly noticed hearing on the proposal on February 7, 2022 and continued on March 7, 2022, conducted via ZOOM videoconference (in connection with current restrictions regarding social distancing in connection with COVID-19). Mr. Amirkhani, the applicant, had difficulties with his audio communication through the zoom app. on February 7, 2022. It was suggested and voted on to have the case continue and be heard by the Board at the following regularly scheduled meeting on March 7, 2022.

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At the February 7, 2022 meeting, one neighbor, Jerry Callahan, property owner of 18-20 King Street, called to speak in opposition to this project. He noted that his family has owned his property since 1927. He would not allow his tenants to park on the front lawn and he thinks that allowing this front yard parking will be detrimental to the neighborhood and will set precedence to others to request the same.

The Applicant did not attend the March 7, 2022 meeting which was also held virtual through the Zoom app.

Decision

On March 7, 2022 the Board began the deliberations on the Special Permit requested by the Applicant.

The 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 non-conforming structure to the neighborhood and that it shall be in keeping with the character of the neighborhood in which it is located.” The proposed application did not meet the criteria required by §5.1.3-b of the By-Law.

Accordingly, **upon motion made by Chair Iannuzzi and seconded by Vice Chair, Mr. Zarkadas to DENY the request for the special permit, the Board voted 5 to deny and 0 to grant the Special Permit.**


Roll call:

- N. Iannuzzi – yes to deny
- T. MacNutt – yes to deny
- C. Williams – yes to deny
- A. Kelley – yes to deny
- J. Zarkadas – yes to deny

The Special Permit requested by the Applicant was denied.

For the Board,

Date: May 9, 2022



Ara Yogurtian
Assistant Director
Office of Community Development