



# CITY OF NEWTON, MASSACHUSETTS

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## ZONING BOARD OF APPEALS

Pamela D. Hough, Board Secretary

#45-95

DAVID A. OLSON, JNO  
NEWTON, MA 02459

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### Detailed Record of Proceeding and Decision

Petition of David Belcourt and Nahma Nadich of 6 Dennis Place, Newton Centre, MA.

For a variance from the rear yard setback requirement.

The Zoning Board of Appeals for the City of Newton held a public hearing on the above entitled proceeding on November 28, 1995 at 6:30 p.m. in the Aldermanic Chamber at City Hall, Newton, Massachusetts.

The following members of the Board were present:

Harold Meizler, Chairman  
Anthony Summers  
Robert Corbett  
John Kaitz  
Edna Travis

The petition was filed on October 20, 1995.

Due notice of the hearing was given by mail, postage prepaid, to all persons deemed to be affected thereby as shown on the most recent tax list and by publication in the News Tribune a newspaper of general circulation in Newton, Massachusetts.

Accompanying the petition were plans entitled "Proposed Addition" dated October, 1995 by Ernest H. Fagerstrom, Land Surveyor, and floor and facade plans entitled "Proposed Addition to: Belcourt/Nadich Residence" dated October 19, 1995 by Joseph F. Fournier, Jr., ALA, of JFF Design Consultant, 24 Warwick Avenue, Waltham, MA.

### FACTS:

The petitioner represented himself.

The subject site is located at 6 Denms Place, Newton Centre, MA, Ward 6, Section 64, Block 3, Lot 52 containing approximately 3,084 square feet in a Single Residence 2 District.

The petitioners requested a variance to the 15-foot setback requirement for the rear lot line of their property to expand an existing, first floor room which was added on prior to our ownership and is too narrow (8' wide) for use as a dining room or an adequate living room or den. They proposed adding 4 feet to the width of the room to make it twelve feet wide. It would be expanded out only as far as the existing landing and stairs which would put them 11.5 feet and 11.2 feet, respectively from each corner to their rear lot line thus requiring a 3.8 foot encroachment. They would then wish to build over that room so the second and third floor would also have that extra space.

The petitioner stated that due to its unusually small size and shape, their lot is impacted by circumstances that do not effect generally the zoning district in which it is located. It is probably one of the smallest lots in Newton. They own a rather small house as compared to most homes in Newton. They have virtually no room for expansion to the sides and what makes the most sense is to simply make the already existing addition to the first floor a little wider and thus more usable and then go up. At eight feet wide, it is simply too narrow for any comfortable use. As a result, they do not have adequate space for a dining room. Our two daughters, ages 6 and 9, share a bedroom on the second floor and the only full bath in the house can only be accessed by going through the master bedroom. Our house is quite old having a rubble foundation and as such is not large enough nor suitable for finishing into a family room or any living space other than storage use.

The petitioner stated that by expanding the first floor room in question to twelve feet and building over it to the second and third floor, we can remedy all of our concerns. That room would finally be large enough for use as a dining room or as a family/living room and our present living room could become a dining room. Above it on the second floor, would become the master bedroom thus allowing us to redesign the second floor so that one would no longer need to go through the master bedroom in order to take a shower or bath. On the third floor, they would end up with enough space to create two bedrooms, one for each of their daughters as well as a bathroom for them. Their present bedroom on the second floor would become a study/guest bedroom.

The petitioner stated that all of these plans would make the house much more livable for their family or any future family whenever we decide to sell, which they do not anticipate for many years to come. It would enhance the appearance and value of the immediate neighborhood. They are proposing to expand the rear wall out only to where the existing stairs are so it will not make a great deal of difference to our back yard. New stairs would come off to the side instead of the rear as they are at present.

The petitioners submitted a petition in favor signed by nine abutters and neighbors.

No one spoke in opposition.

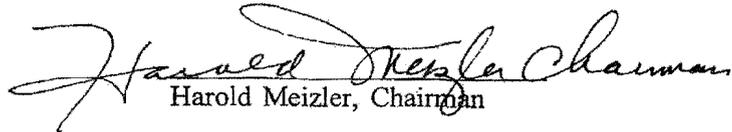
#### FINDINGS AND DETERMINATION

1. The site is unique to its small size and narrow configuration.
2. A hardship exists in that the site's existing structure, small lot size and frontyard easement limits alternative locations of the proposed addition.
3. No substantial detriment to the public would occur since the addition would be in conformity with the neighborhood.
4. Granting the variance would not derogate from the spirit and intent of the Zoning Ordinance in that the departure from the Zoning Ordinance requirement would not change the character of the surrounding area.

Accordingly, a motion was made by Mr. Kaitz and duly seconded by Mr. Corbett to grant the petition which motion passed, five in favor and none opposed. Therefore, the variance is granted subject to the following conditions:

1. That the addition be constructed consistent with the submitted plans.
2. That the Planning Department approve a Landscape Screening Plan.
3. That this variance must be exercised within one year from the date of its filing with the City Clerk or the variance lapses.

4. That this variance must be recorded with the Middlesex Registry of Deeds within one year from the date of its filing with the City Clerk or the variance lapses.

  
Harold Meizler, Chairman

AYES:

Harold Meizler  
Anthony Summers  
Edna Travis  
Robert Corbett  
John Kaitz

Copies of this decision and all plans referred to in this decision have been filed with the Planning and Development Board and the City Clerk.

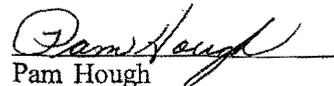
The decision was filed with the City Clerk on *12-29-95*

The City Clerk certified that all statutory requirements for the issuance of this VARIANCE have been complied with and that 20 days have lapsed since the date of filing of this decision and no appeal, pursuant to Section #17, Chapter 40A has been filed.

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Edward English, City Clerk

I, Pam Hough, am the Clerk of the Zoning Board of Appeals and the Keeper of its records. This is a true copy of its decision.

  
Pam Hough