



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-27
Site: 85 Bromfield Road
Date of Decision: May 7, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: May 12, 2014

ZBA DECISION

Applicant Name:	Ihsan Gurdal & Valerie Gurdal
Applicant Address:	6 Malcolm Road, Cambridge, MA 02138
Property Owner Name:	Ihsan Gurdal & Valerie Gurdal
Property Owner Address:	6 Malcolm Road, Cambridge, MA 02138
Agent Name:	Andrew Radar
Agent Address:	11 Danbury Ct, Londonderry, NH 03053

Legal Notice: Applicant and Owners, Ihsan & Valerie Gurdal seek a Special Permit per SZO §4.4.1 to alter a nonconforming 3-family by extending a dormer within a nonconforming sideyard. RA Zone. Ward 6.

<u>Zoning District/Ward:</u>	RA zone/Ward 6
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	April 3, 2014
<u>Date(s) of Public Hearing:</u>	May 7, 2014
<u>Date of Decision:</u>	May 7, 2014
<u>Vote:</u>	5-0

Appeal #ZBA 2014-27 was opened before the Zoning Board of Appeals at Somerville City Hall on May 7, 2014. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.



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DESCRIPTION:

The proposal is to expand an existing dormer to allow for a half-bath that has legal head heights according to building code. The existing half bath has been “condemned” by Inspectional Services because of the head height. This problem was discovered because of the permitting over the last several months due to a fire at the property in the summer of 2013.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Compliance with Standards: The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."

Per SZO §4.4.1 lawfully existing one- and two-family dwellings which are nonconforming with respect to dimension requirements, may be enlarged, expanded, renovated, or altered by special permit. To lengthen the existing dormer on the nonconforming side requires a special permit.

In considering a special permit under §4.4 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

3. Consistency with Purposes: The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other dangers; to provide adequate light and air; and to encourage the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the district, which is, "To establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts."

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."

The surrounding neighborhood is comprised of mostly two- and three-family homes. Many of the lots have similar configurations with nonconforming side yards and rear porches. The property is in close proximity to Tufts University and Medford.

The proposal is compatible with the neighborhood and will not be detrimental. There are a few conditions as part of this report to ensure its' compatibility. First, that the dormer extension will match the existing siding on the dormer. Second, that the dormer extension will be less than 50% of the length of the roofline. Third, that the added window on the dormer will match the existing dormer windows.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. Richard Rossetti seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes		
1	Approval is for a Special Permit per SZO §4.4.1 to alter a nonconforming 3-family by extending a dormer within a nonconforming sideyard. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.			
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>April 3, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(April 30, 2014)</td> <td>Modified plans submitted to OSPCD (Mortgage Plot Plan, Existing Floor Plan, Proposed Floor Plan, Existing & Proposed Dormer Elevation)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission
Date (Stamp Date)	Submission					
April 3, 2014	Initial application submitted to the City Clerk's Office					
(April 30, 2014)	Modified plans submitted to OSPCD (Mortgage Plot Plan, Existing Floor Plan, Proposed Floor Plan, Existing & Proposed Dormer Elevation)					
Any changes to the approved plans or elevations that are not <i>de minimis</i> must receive SPGA approval.						
Pre-Construction						
2	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans/reports must be submitted to the Engineering Department for review and approval.	BP	Eng.			
Construction Impacts						
3	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW			
4	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P			
Design						



5	The dormer extension shall match the material and finish of the existing dormer.	BP	PIng.	
6	The dormer will be less than 50% of the length of the roofline of the home.	BP	PIng.	
7	The Applicant shall add a skylight in the bathroom.	BP	PIng.	
Miscellaneous				
8	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
Public Safety				
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
10	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	PIng.	



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
Elaine Severino

Attest, by the Administrative Assistant:

Dawn M. Pereira

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____

