



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

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BRANDY BROOKS (ALT.)

Case #: ZBA 2014-21
Site: 19 Cambria Street
Date of Decision: June 4, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: June 10, 2014

ZBA DECISION

Applicant Name:	Willard D. Cunningham
Applicant Address:	19 Cambria Street, Somerville, MA 02143
Property Owner Name:	Willard D. Cunningham
Property Owner Address:	19 Cambria Street, Somerville, MA 02143
Agent Name:	N/A

Legal Notice: Applicant and Owner, Willard D. Cunningham, seeks a Variance under SZO §5.5, to increase the number of stories of the two-family structure from 2 ½ to 3 stories, and a Special Permit under §4.4.1 to alter the nonconforming structure by adding an approx 180sf addition and a rear deck.* RA / Ward 3.

<u>Zoning District/Ward:</u>	RA zone/Ward 3
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	March 13, 2014
<u>Date(s) of Public Hearing:</u>	5/7 & 6/4/14
<u>Date of Decision:</u>	June 4, 2014
<u>Vote:</u>	5-0

* The Applicant has withdrawn the request for a variance. The dormers now comply with the definition of half story and therefore a third floor is no longer part of the proposal.



Appeal #ZBA 2014-21 was opened before the Zoning Board of Appeals at the Visiting Nurse Association 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 two hearings of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The proposal is to build an addition on the rear of the using dormers that make up less than 50% of the length of the side of the roof. There would be a deck on the roof portion that would remain two stories. The space under the dormers is for a staircase, bathroom, and access to the newly proposed 2nd story deck. The existing use of the half story two bedrooms.

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."*

In considering a special permit under §4.4 of the SZO for the roof deck, 180 square foot addition and shed dormers on both sides of the property, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The floor area ratio (FAR) is currently nonconforming at 0.78 and the maximum required is 0.75. The addition would increase the FAR to 0.82; however, the addition is not increasing the footprint of the house and is fitting within the half story definition to keep the overall form of the house the same. The dormer that is needed to provide head height for the stairs will be fairly small at 7 feet in length. The dormers in the rear of the structure create a complicated roofline; however, they will only be minimally visible from the street and surrounding properties because they will be setback from the edge of the flat roof on which they sit. The deck in the rear on the 2nd story roof would only slightly impact the nonconforming side yard and would not be greatly impactful.

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 for the 180 sf addition with the construction of dormers and rear deck is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to conserving the value of land and buildings and encouraging the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the district as alterations to a two-family in an RA district.

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."*

Keeping the additional 180 square feet in the half story under the sloping room or under a dormer that is less than 50% of the side of the house is designed in a manner that is compatible with the surrounding area. The majority of



the houses in the neighborhood are made up of 2 ½ story structures, which conform in this dimension to the zoning regulations. The dormers will be setback from the edge of the flat roof on which they sit and they are at the rear of the property where they will be minimally visible.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino with Josh Safdie absent. 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 the alteration two-family structure to add 3 dormers and a rear deck on the second floor roof. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.		
	Date (Stamp Date)				Submission
	May 1, 2014				Initial application submitted to the City Clerk’s Office
	March 7, 2014				Plans submitted to OSPCD (plot plan)
	April 29, 2014				Plans submitted to OSPCD (site plan, lower floor plan, front elevation)
	May 28, 2014				Plans submitted to OSPCD (A1 roof and attic floor plan, A1.1 proposed exterior elevations.
	Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.				
2	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		
3	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		
4	Applicant must specify the materials of any new windows and structure within 3 feet of the property line to ensure compliance with the building code.	BP	ISD		
Final Sign-Off					



5	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	Plng.	
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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 _____

