



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2015-03
Site: 21 Cambria Street
Date of Decision: February 4, 2015
Decision: Petition Approved with Conditions
Date Filed with City Clerk: February 18, 2015

ZBA DECISION

Applicant Name:	Shar Van Boskirk
Applicant Address:	21 Cambria Street, Somerville, MA 02143
Property Owner Name:	Shar Van Boskirk
Property Owner Address:	21 Cambria Street, Somerville, MA 02143
Agent Name:	Dana Anderson
Agent Address:	21 Endicott Avenue, Marblehead, MA 01945

Legal Notice: Applicant and Owner, Shar Van Boskirk, seeks a Special Permit to alter a non-conforming single-family dwelling to modify a rear stair and patio.

<u>Zoning District/Ward:</u>	RA zone/Ward 3
<u>Date of Application:</u>	January 2, 2015
<u>Date(s) of Public Hearing:</u>	February 4, 2015
<u>Date of Decision:</u>	February 4, 2015
<u>Vote:</u>	5-0

Appeal #ZBA 2015-03 was opened before the Zoning Board of Appeals at Somerville City Hall on February 4, 2015. 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.



DESCRIPTION:

The Applicant proposes to improve the overall landscaping of this parcel by altering an existing rear stair to create a decorative tiered stair off the rear egress located at the back of the dwelling. The stair would be built in a half circle, with a 7" rise and a 12" run. Proposed materials for the steps are a pre-fabricated wall block to complete the risers and a pre-fabricated concrete to complete the treads of the stairs. Materials will match the patio pavers in the back yard and also the landscaped terraces in the front yard. Railings will be made out of wood or metal. The existing landscape and pervious areas would increase slightly as a result of this proposal.

FINDINGS FOR SPECIAL PERMIT:

In order to grant a special permit, the SPGA must make certain findings and determinations.

1. Information Supplied:

The Board finds that the information provided by the Applicant conforms to the requirements 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."*

Existing nonconforming buildings may alter a nonconforming dimension through Special Permit approval. The previous deck was nonconforming with regard to side yard setback, so under the current SZO, the project requires a Special Permit to alter this component. In considering a special permit of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal will enhance and slightly increase the landscape and pervious areas while retaining a 3.5' height.

Under the proposed zoning ordinance, the proposal would still require a Special Permit due to continuing a nonconforming dimension with regard to the side yard setback. The proposed code would require a side yard setback of 5' in order to comply with the building type, which could then receive a Zoning Permit as of right.

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, which includes, but is not limited promoting the safety of the inhabitants of the City of Somerville and providing for and maintaining the uniquely integrated structure of uses in the City.

The proposal is consistent with the purpose of the Residence A 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." The dwelling would remain as a single-family dwelling.

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 residential neighborhood is composed of single, two- and three-family dwellings. The design to alter the decorative stairs will be compatible with the existing structure and surrounding neighborhood.

The proposal will enhance and slightly increase the landscape and pervious areas while retaining a 3.5' height.



5. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

<i>SomerVision Summary</i>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	1	1
<i>Parking Spaces:</i>	0	0

The project complies with SomerVision with regard to preserving and enhancing the character of Somerville neighborhoods. This project is part of a larger improvement to the landscaping within this parcel and retains an existing nonconforming

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 a Special Permit to alter a non-conforming single-family dwelling to modify a rear stair and patio. 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>(January 2, 2015)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>April 29, 2014 (January 29, 2015)</td> <td>Plot plan submitted to OSPCD</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(January 2, 2015)	Initial application submitted to the City Clerk’s Office	April 29, 2014 (January 29, 2015)	Plot plan submitted to OSPCD
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(January 2, 2015)	Initial application submitted to the City Clerk’s Office									
April 29, 2014 (January 29, 2015)	Plot plan submitted to OSPCD									
Any changes to the approved site plan that are not <i>de minimis</i> must receive SPGA approval.										
Public Safety										
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP							
Final Sign-Off										



3	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 _____

