



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA #2012-103
Site: 4 Cameron Avenue
Date of Decision: January 23, 2013
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: February 6, 2013

ZBA DECISION

Applicant Name:	V&R Development
Applicant Address:	64 Lincoln Avenue, Saugus, MA 01906
Property Owner Name:	V&R Development
Property Owner Address:	64 Lincoln Avenue, Saugus, MA 01906
Agent Name:	N/A

Legal Notice: Applicant, Roland Muise, and Owner, V & R Development, seek a Special Permit to alter a nonconforming structure under SZO §4.4.1 which includes expanding an existing dormer on the right side elevation, modifying windows and removing exterior staircases at an existing three-family residence. RC Zone. Ward 7.

<u>Zoning District/Ward:</u>	RC zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	December 10, 2012
<u>Date(s) of Public Hearing:</u>	January 23, 2013
<u>Date of Decision:</u>	January 23, 2013
<u>Vote:</u>	5-0

Appeal #ZBA 2012-103 was opened before the Zoning Board of Appeals at Somerville City Hall on January 23, 2013. 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:

Applicant, Roland Muise, proposes to alter this nonconforming three-family dwelling which includes the expansion of an existing dormer, the modification of multiple window locations, and the removal of exterior staircases. These modifications are part of a larger rehabilitation project to update the property as well as finish and alter interior space. Currently, each floor composes one unit and the basement is unfinished.

The main façade has a 2½ story projecting square bay with three windows currently located in the half-story. The Applicant proposes to remove the two flank windows and alter the central window by raising the height approximately one foot to accommodate a larger window. This larger window would be consistent with the center bay windows in the first and second stories.

Proposed alterations to the left side façade include raising the gable of the two story projecting bay to match the roofline of the projecting square bay on the main façade. The roof between these two projections would become a shed roof, which would increase the net square footage of the third floor unit from 460 square feet to 600 square feet. Two windows will also be centered under the gable of the left side projecting bay.

The single story rear addition behind the left side projecting bay currently has no existing openings and abuts the sidewalk along Holland Street. The Applicant proposes to add three transom windows on the left side façade. These windows would be centered on the façade and located five feet above the foundation. Two windows are four feet in width while the center window is three feet in width. All three windows are 2'-6" in height.

Proposed alterations to the right side façade include the expansion of a gable dormer, the addition of four skylights and the modification of one window. The existing gable dormer on the right side elevation is eight feet in length and is proposed to become a shed dormer that is fourteen feet in length. The expanded portion of the dormer will enable a bathroom to be relocated here which then allows a closet to be better located in the bedroom of Unit 3. While one double hung window currently exists in the gable dormer, another double-hung window will be added to the right of the existing window, centered above the bathtub. Additionally, four skylights will be added toward the rear of the building, two on either plane of the roof on the two-story rear addition. These skylights will provide natural light to a modified Living/Dining space for Unit 2 on the second floor.

Interior renovations on the first floor will enlarge the kitchen of Unit 1, through the removal of a stairwell, which also requires moving one window, on the right side façade, slightly toward the rear of the building. Moving this stairwell, which leads to the newly finished basement, from the kitchen to the single story rear addition, will relocate a bathroom on the first floor to the master bedroom. Finishing the basement will create an additional 640 usable square feet for Unit 1. This finished space would become a family room with a combination bath/laundry room and approximately 125 square feet would remain unfinished as a utility space.

Rear façade alterations include the modification of window locations and the removal of exterior staircases. The window on the single-story rear addition will be removed and the window on the second-story of the other addition will move slightly toward the center gable of the main roof. Exterior staircases from the second-story to the ground level and from the half-story to the second-story will both be removed. This will create roof decks for both Unit 2 and Unit 3 with no egress. The existing roof deck for Unit 3 is ten feet in length by eight feet in width and will be enlarged to become 13'-4¾" in length by 10'-2½" to utilize the remaining roof area of the single-story rear addition.

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, Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The design to modify the structure will enable better use of the interior space without enlarging the structure or reducing the privacy of neighboring properties.

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 provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; to preserve the historical and architectural resources of the City; and to preserve and increase the amenities of the municipality."

The proposal is consistent with the purpose of the Residence C district, §6.1.3, which is, "To establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the 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."

Raising the projecting bay on the left side façade to match the height of the projecting bay on the front façade and then creating a shed dormer between these two projections will unify the roofline and be more visually pleasing when traveling along Holland Street. Additionally, altering the existing gable dormer into a shed dormer will be consistent with the left side façade. Additionally, this structure is in need of rehabilitation and is highly visible at the corner of Holland Street and Cameron Avenue.



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 to alter an nonconforming structure, which includes expanding an existing dormer, modifying windows, and removing exterior staircases. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(December 10, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>September 28, 2012 (January 15, 2013)</td> <td>Plot plan submitted to OSPCD</td> </tr> <tr> <td>January 4, 2013 (January 15, 2013)</td> <td>Elevation/floor plans submitted to OSPCD (Cover, Existing Floor plan, Existing Elevations, Proposed Floor plan, & Proposed Elevations)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(December 10, 2012)	Initial application submitted to the City Clerk's Office	September 28, 2012 (January 15, 2013)	Plot plan submitted to OSPCD	January 4, 2013 (January 15, 2013)	Elevation/floor plans submitted to OSPCD (Cover, Existing Floor plan, Existing Elevations, Proposed Floor plan, & Proposed Elevations)
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	New siding type and color, roofing, trim and other materials necessary to replace as a result of the proposal shall match or compliment the existing.	CO	PIng.									
3	An exterior light and electrical receptacle is required for the first (or all) level of the porch and an electrical receptacle is required for the second level (if there is no access to the ground).	Final sign off	Wiring Inspector									
4	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP									
5	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									
6	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.									



7	The Applicant shall work with Planning Staff to develop and implement a landscape plan.	Prior to obtaining Building Permit & 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 (Alt.)

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 _____

