



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

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Case #: ZBA 2014-115
Site: 25-27 Claremon Street
Date of Decision: December 10, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: December 18, 2014

ZBA DECISION

Applicant Name:	Ariel Plotkin
Applicant Address:	27 Claremon Street, Somerville, MA 02144
Property Owner Name:	Ariel Plotkin
Property Owner Address:	27 Claremon Street, Somerville, MA 02144
Agent Name:	David Newhouse
Agent Address:	3 West Jamaica Avenue, Wilmington, MA 01887

Legal Notice: Applicant and Owner, Ariel Plotkin, seeks a Special Permit to alter a nonconforming structure under SZO §4.4.1 to alter the height and roof of the rear 2-story portion of the 2-family house.

<u>Zoning District/Ward:</u>	RB zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	November 3, 2014
<u>Date(s) of Public Hearing:</u>	December 10, 2014
<u>Date of Decision:</u>	December 10, 2014
<u>Vote:</u>	5-0

Appeal #ZBA 2014-115 was opened before the Zoning Board of Appeals at Somerville City Hall on December 10, 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.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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DESCRIPTION:

The proposal involves reconstructing the portion of the house that has the lowest roof height. The roof will change from being a gable to slightly sloped towards the rear of the site. This part of the house is a bedroom on the first floor and storage on the second floor. The floors of this portion of the house are lower than the floors in the rest of the house. The floors will be constructed at the same height as the rest of the structure. The space will house a second bathroom for each of the units. The second floor unit will be changing from a 1- to a 2-bedroom unit, which does not change the parking requirement.

The proposal also includes removing the internal staircase in the rear portion of the building and building a second-floor egress off of a new deck above the existing single story deck. A spiral staircase will be constructed off of the deck.

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."*

The structure is currently nonconforming with respect to dimensional requirements, including minimum lot size, right side yard setback and rear yard setback.

Reconstructing the rear portion of the house with a different roof type would change the dimensions of the structure which is in the nonconforming right side yard. It would increase the structure's height and change the roof type. The right side yard is 2 feet and the minimum side yard setback in this district is 8 feet for a 2 ½ story structure. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO). Section 4.4.1 states that "[l]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."

In considering a special permit under §4.4 of the SZO, the Board finds that the proposal would not be substantially more detrimental to the neighborhood than the existing structure. The slight change in height and shape of the roof is not within close proximity to a neighboring structure.

The second story deck and spiral staircase will be conforming to the setbacks.

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 and providing for and maintaining the uniquely integrated structure of uses in the City.



The proposal is consistent with the purpose of the Residence B district, which is, “[t]o establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts. The proposal improves the use of the two-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."*

Many of the surrounding houses have rear additions. The proposed shed roof is not as consistent as the gable is with the rest of the roof forms on the building; however, the alteration will make the house more functional and efficient, the roof is difficult to see from a right of way, and a shed roof on a rear addition is not unusual in the City.

6. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

The improvements to two-family dwelling will not significantly impact the affordability of the units.

7. 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.*

<u>SomerVision Summary</u>	<i>Existing</i>	<i>Proposed</i>
<i>Dwelling Units:</i>	2	2



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie with Herbert Foster absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino 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 of the height and roof of the rear 2-story portion of the 2-family house. 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>Nov 3, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(Dec 4, 2014)</td> <td>Modified plans submitted to OSPCD (A-2 1st fl, A-3 2nd fl, A-4-A-6 elevations, A-7-A9 framing, A-10-A-11 section)</td> </tr> <tr> <td>Mar 6, 1872</td> <td>Modified plans submitted to OSPCD (plot plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	Nov 3, 2014	Initial application submitted to the City Clerk's Office	(Dec 4, 2014)	Modified plans submitted to OSPCD (A-2 1 st fl, A-3 2 nd fl, A-4-A-6 elevations, A-7-A9 framing, A-10-A-11 section)	Mar 6, 1872	Modified plans submitted to OSPCD (plot plan)
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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	New siding type and color, roofing, trim, and materials of the addition shall match or be complimentary to the rest of the existing structure.	CO	Plng.									
Final Sign-Off												
4	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.									



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano
Richard Rossetti
Danielle Evans
Elaine Severino
Josh Safdie (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 _____

